

MINUTE ITEM

This Calendar Item C 2  
was approved at Meeting Item  
No. 2 of the State Lands  
Commission at its meeting 2  
to 0 on 7/25/85  
meeting.

CALENDAR ITEM

R 1  
S 4

C 0 2

07/25/85  
WP 5032  
Suetta

DENIAL OF APPLICATION  
AND AUTHORIZATION TO TERMINATE  
UNAUTHORIZED OCCUPATION OF STATE-OWNED LAND

Current Law requires State agencies to compile lists of criteria specifying the detailed application information required of applicants for development projects. Accordingly, the State Lands Commission adopted its application criteria through Calendar Item 2 at its April 12, 1978 meeting.

Once an application has been accepted as complete, the Commission must act on the application within specified time periods. Failure to act within the time allowed, either by approving or denying the project, could result in approval of the project.

Therefore, pursuant to Government Code Section 65920, et seq., the following application is submitted for denial because the applicant refuses to consent to a permit for an existing recreational dock. The upland residence was acquired by the applicant through foreclosure and is currently for sale. The applicant refuses to send in documents identifying Bay City Boiler and Engineering Profit Sharing Plan as an organized entity and will not consent to executing a permit for use of State-owned land. Staff requests authorization to take all steps necessary, including litigation, to terminate applicant's unauthorized occupation of State-owned submerged land.

APPLICANT: Bay City Boiler and Engineering  
Profit Sharing Plan  
John Greco, Trustee  
915 Linden Avenue  
South San Francisco, California 94080

CALENDAR PAGE	<u>04</u>
MINUTE PAGE	<u>2049</u>

CALENDAR ITEM NO. 02 (CONT'D)

OTHER PERTINENT INFORMATION:

1. 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 because CEQA does not apply to projects which a public agency rejects or disapproves.

Authority: P.R.C. 21080(b)(5) and 14 Cal. Adm. Code 15270.

2. The recreational dock was formerly under permit as a Recreational Pier Permit.

AB 884: 08/25/85.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THIS ACTIVITY IS EXEMPT FROM CEQA BECAUSE CEQA DOES NOT APPLY TO PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES (P.R.C. 21080(b)(5) AND 14 CAL. ADM. CODE 15270.
2. DENY WITHOUT PREJUDICE TO THE APPLICANT'S RIGHT TO REAPPLY FOR THE SAME PROJECT, THE APPLICATION OF BAY CITY BOILER AND ENGINEERING PROFIT SHARING PLAN FOR A PERMIT FOR AN EXISTING RECREATIONAL DOCK ON THE SACRAMENTO RIVER IN ANDERSON, SHASTA COUNTY (WP 5032) IN COMPLIANCE WITH THE STANDARDS FOR DENIAL SET FORTH IN STATE ADMINISTRATIVE MANUAL SECTION 1099.
3. AUTHORIZE STAFF TO ADVISE THE APPLICANT OF THE COMMISSION'S ACTION TO DENY AND THE APPLICANT'S RIGHT TO REAPPLY.
4. AUTHORIZE STAFF COUNSEL AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THE CONTINUING UNAUTHORIZED OCCUPATION OF STATE-OWNED SUBMERGED LAND IN THE BED OF THE SACRAMENTO RIVER, SHASTA COUNTY, BY BAY CITY BOILER AND ENGINEERING PROFIT SHARING PLAN AND TO COLLECT REASONABLE COMPENSATION FOR THE USE OF SUCH LAND AND FOR WHATEVER OTHER LEGAL OR EQUITABLE REMEDIES THAT MAY BE NECESSARY OR APPROPRIATE.

CALENDAR PAGE	05
MINUTE PAGE	2050

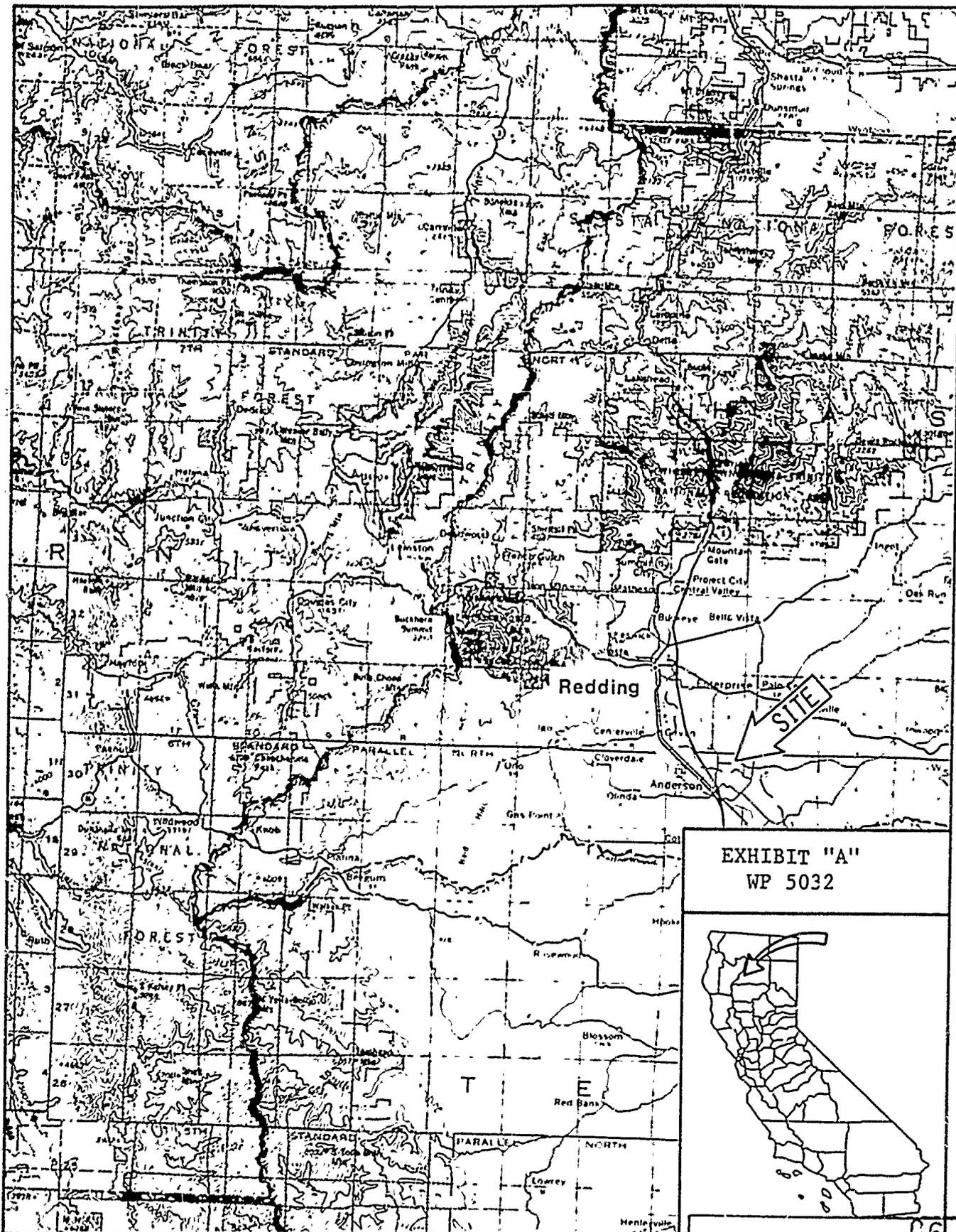


EXHIBIT "A"  
 WP 5032

CALENDAR PAGE 66  
 PLATE PAGE 2051