MINUTE ITEM
This Calendar Item No. C10
was approved by the Minute Item
No. 10 of the State Lands
Commission by a vote of 2
to 0 at its 8/28/86
meeting.

CALENDAR ITEM

C10 1

08/28/86
WP 3756 PRC 3756
J. Ludlow

A 9

S 3

GENERAL PERMIT - RECREATIONAL USE

APPLICANT. William W. Duffin
330 Cardinal Court
Mill Valley, California 94941

AREA, TYPE LAND AND LOCATION:
A 0.020-acre parcel of tide and submerged land, located in Petaluma River, Black Point, Marin County.

LAND USE: Use and maintenance of an existing walkway and recreational pier.

TERMS OF PROPOSED PERMIT:
Initial period: Ten years beginning November 18, 1985.

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

CONSIDERATION: $70 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 owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and first year's annual rental have been received.

CALENDAR PAGE 40
MINUTE PAGE 2002

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: 09/03/86.

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 as a categorical exempt project. The project is exempt under Class 1, Existing Facilities, 2 Cal. Adm. Code 2905(a)(2).

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

2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.

3. The original permit for the existing pier and walkway was issued to Constance Corr in 1957 for a period of ten years and reissued on May 15, 1967 for an additional ten years.

   Although the applicant, Mr. Duffin, purchased the upland property in 1978, he did not receive notice that a permit was required from the Commission until September 6, 1985. In light of the fact that the applicant has been extremely cooperative throughout the permit process, staff feels that it would be in the best interest of the State and recommends that all back rental, penalty and interest, if any, be waived for the period covering June 27, 1978 through November 17, 1985.

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 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).

2. FIND THAT THIS ACTIVITY WILL INVOLVE LANDS IDENTIFIED AS POSSESSING SIGNIFICANT ENVIRONMENTAL VALUES PURSUANT TO P.R.C. 6370, ET SEQ., BUT THAT SUCH ACTIVITY WILL HAVE NO DIRECT OR INDIRECT EFFECT ON SUCH LANDS.

3. FIND IT IN THE BEST INTEREST OF THE STATE TO WAIVE ALL BACK RENTAL, PENALTY AND INTEREST, IF ANY, DUE FOR THE PERIOD COVERING JUNE 27, 1978 THROUGH NOVEMBER 17, 1985.

4. AUTHORIZE ISSUANCE TO WILLIAM W. DUFFIN OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING NOVEMBER 18, 1985; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $70, 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 THE USE AND MAINTENANCE OF AN EXISTING WALKWAY AND RECREATIONAL PIER ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

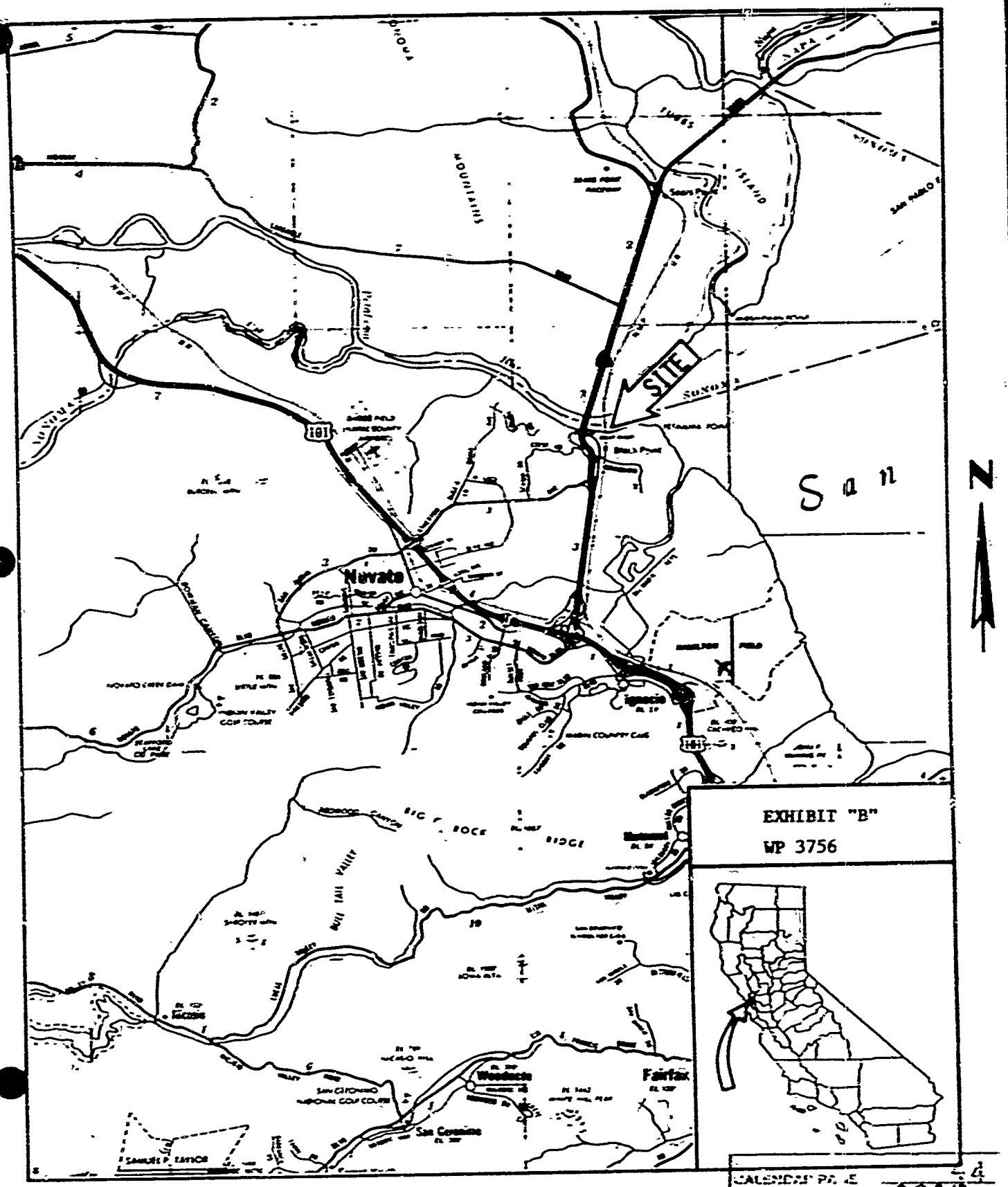
LAND DESCRIPTION WP 3756

A parcel of land at Black Point, Marin County, California, said parcel lying immediately beneath an existing house, walkway, and associated structures, said structures being adjacent to that land described in the Grant Deed recorded June 23, 1976, in Book 3049, Page 149, Official Records of Marin County, being the lands Patented as Sovereign Lands Location Number 21, by the State of California Patent Certificate Number 5184 filed in S & O Book 14, Page 38, State Lands Commission Records issued April 17, 1957.

EXCEPTING THEREFROM any portion lying southwesterly of the northeasterly line of said Sovereign Lands Location Number 21.

END OF DESCRIPTION

REVIEWED MARCH 7, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.



CALENDAR PAGE 4
MINUTE PAGE 2017