

MINUTE ITEM

This Calendar Item No. C-1
was approved as Minute Item
No. 4 by the State Lands
Commission by a vote of 3
to 0 at its 1/22/87
meeting.

CALENDAR ITEM

C 04

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01/22/87
WP 2651 PRC 2651
Poe

GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Robert W. Nicola, et ux.
465 Santa Clara Avenue
Alameda, California 94501

AREA, TYPE LAND AND LOCATION:
A 0.101-acre parcel of tide and submerged land,
located in the bed of the Petaluma River, near
Black Point, Marin County.

LAND USE: Existing residential and recreational
improvements.

TERMS OF PROPOSED PERMIT:
Initial period: Ten years beginning March 1,
1987.

Public liability insurance: Combined single
limit coverage of \$100,000.

CONSIDERATION: \$497 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 has been received.

(ADDED 01/15/87)

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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:

04/07/87.

OTHER PERTINENT INFORMATION:

1. The proposed permit is the replacement of an existing Recreational Permit that is terminating, covering existing improvements; those improvements include a cabin, walkway, shed, and float in the Petaluma River, Marin County. Several similar properties are currently under Commission Permit in the immediate area.
2. In response to the existing residential improvement within the Lease area, staff has included within the Permit document, provisions that call for removal of the residential improvements in the event they are destroyed or otherwise rendered uninhabitable, and further that any replacement or reconstructed residential improvements be situated on the Lessee's privately owned uplands.
3. 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. 21024, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.
4. 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.

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APPROVALS OBTAINED:

None required.

FURTHER APPROVALS REQUIRED:

None required.

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. AUTHORIZE ISSUANCE TO ROBERT W. NICOLA, ET UX. OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING MARCH 1, 1987; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$497, 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 \$100,000; FOR USE AND MAINTENANCE OF AN EXISTING CABIN, WALKWAY, SHED AND FLOAT ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

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EXHIBIT "A"

LAND DESCRIPTION

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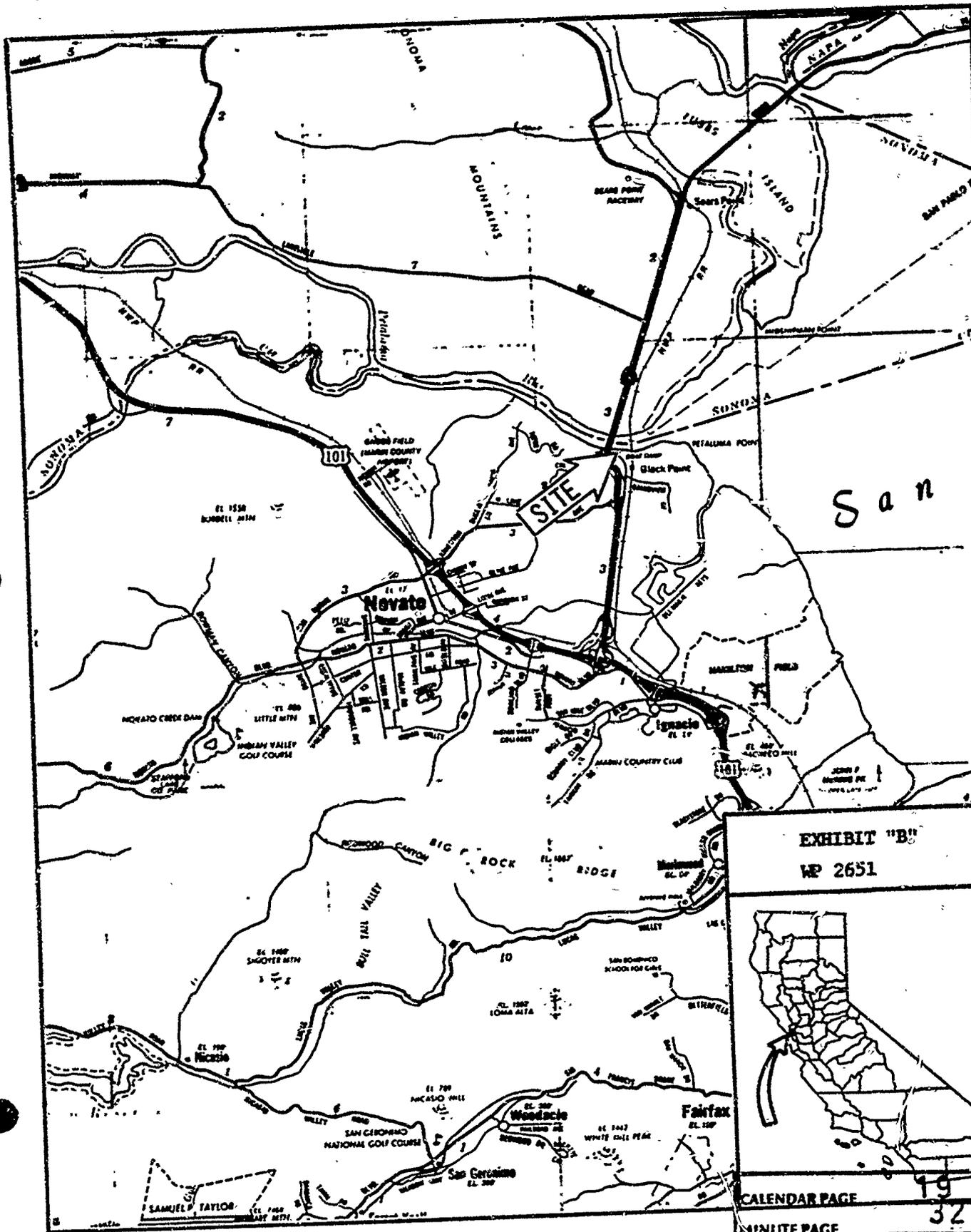
A parcel of land in the bed of the Petaluma River, situated near Black Point, Marin County, California, said parcel being immediately beneath a cabin, shed, walkways, float and associated use areas, said structure and use area being adjacent to and northeasterly of that land described in the deed recorded July 1, 1971 in Book 2478, page 212, Official Records of Marin County.

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

END OF DESCRIPTION

REVIEWED DECEMBER 17, 1986 BY BOUNDARY SERVICES UNIT, M. L. SHAFER SUPERVISOR.

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EXHIBIT "B"
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