

MINUTE ITEM  
This Calendar Item No. 44  
was approved as Minute Item  
No. 44 by the State Lands  
Commission by a vote of 2  
to 0 at its 9/14/88  
meeting.

CALENDAR ITEM

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GENERAL PERMIT - RECREATIONAL USE

APPLICANT: Robert H. Pelham and Margaret G. Pelham  
24620 Tehama-Uina Road  
Los Molinos, California 96055

AREA, TYPE LAND AND LOCATION:  
A 0.115-acre parcel of submerged land in the  
Sacramento River, Tehama County.

LAND USE: Floating boat docks.

TERMS OF PROPOSED PERMIT:  
Initial period: Ten years beginning June 1,  
1988.

Surety bond: \$1,000.

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

CONSIDERATION: \$270 per annum; with the State reserving the  
right to fix a different rental on the  
fifth anniversary of the permit.

BASIS FOR CONSIDERATION:  
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:  
Applicants are owners of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:  
Filing fee and rental settlement payment have  
been received.

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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:

02/04/89.

OTHER PERTINENT INFORMATION:

1. In 1971 the applicants were notified by Commission staff regarding the need for a permit for their floating boat docks in the Sacramento River. However, they adamantly refused to come under permit. In 1976, the Commission authorized staff to collect rental and to proceed with ejection to resolve this trespass. However, at that time, because of the high water/low water issue, nothing was done to resolve the trespass. In recent months, through negotiations between the Applicant's attorney Rawlins Coffman and the Attorney General's Office, the Applicants have consented to come under permit and have paid \$1,500 as a rental settlement payment. Commission approval is therefore requested to accept this payment as settlement of back rental and to authorize issuance of a General Permit - Recreational Use to the Pelhams, thereby resolving this long-standing trespass on State-owned land.
2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6376, et seq. but will not affect those significant lands.

Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

3. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines

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(14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically 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.

APPROVALS OBTAINED:

All other approvals previously obtained.

FURTHER APPROVALS REQUIRED:

None.

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 CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. ADM. CODE 2905(a)(2).
2. ACCEPT \$1,500 AS TRESPASS SETTLEMENT PAYMENT AND AUTHORIZE ISSUANCE TO ROBERT H. PELHAM AND MARGARET G. PELHAM OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING JUNE 1, 1988; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$270, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON THE FIFTH ANNIVERSARY OF THE PERMIT; PROVISION OF A \$1,000 SURETY BOND; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$100,000; FOR FLOATING BOAT DOCKS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

**EXHIBIT "A"**  
**LAND DESCRIPTION**

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A parcel of submerged land in the bed of the Sacramento River, Tehama County, California, described as follows:

All that land lying immediately beneath two floating docks, TOGETHER WITH a necessary use area extending 10 feet from the extremities of said docks, said docks being adjacent to that portion of Lot 40 of the map entitled "Revised Map of Subdivision No. 10 of the Los Molinos Land Co." in Book F, Page 12 of Maps, in the County Records Office in Tehama County, California, described in the deed to Robert H. Pelham and Margaret Pelham, recorded on October 31, 1969 in book 537, page 458, Official Records of said Tehama County, California.

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

**END OF DESCRIPTION**

Prepared August 12, 1988, by BIU 1.

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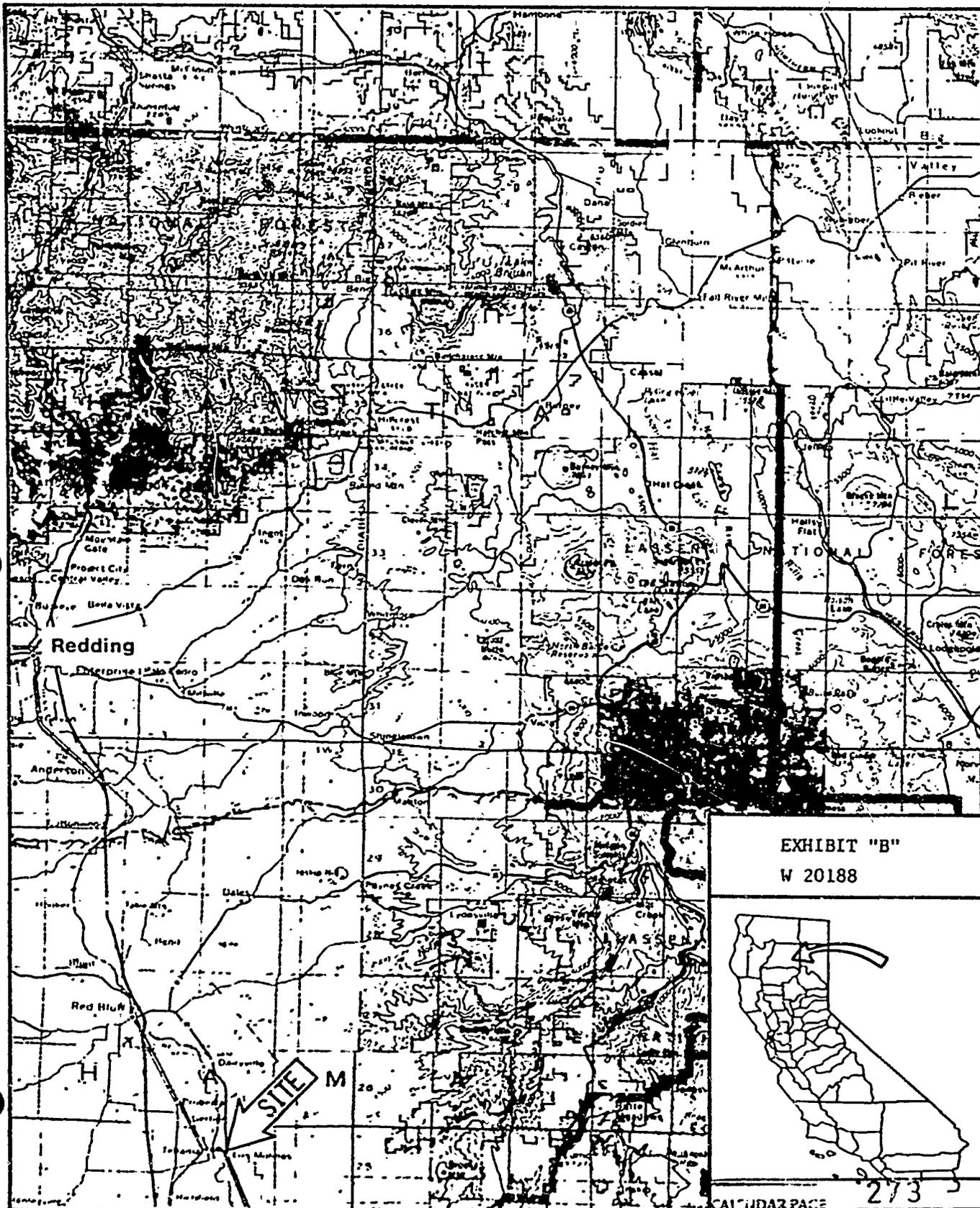


EXHIBIT "B"  
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