MINUTE ITEM
This Calendar Item No. C13
was approved as Minute Item
No. 13 by the State Lands
Commission by a vote of 3
to 0 at its 10/7/88
meeting.

CALENDAR ITEM

A 1

C 13

10/07/88
WP 5721 PRC 5721
Suetta

S 4

TERMINATION OF EXISTING PERMIT AND APPROVAL
OF A GENERAL PERMIT - RECREATIONAL USE

APPLICANTS: David Hunter and Elizabeth Hunter
24630 Tehama-Vina Road
Los Molinos, California 96055

AREA, TYPE LAND AND LOCATION:
A 0.063-acre parcel of submerged land in the Sacramento River, Tehama County.

LAND USE: Maintenance and use of two floating boat docks and ramps.

TERMS OF ORIGINAL PERMIT:

Initial period: Ten years beginning January 1, 1982.

Surety bond: $1,000

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

Consideration: $165 per annum; five-year rent review.

TERMS OF PROPOSED PERMIT:

Initial period: Ten years beginning September 1, 1988.

Surety bond: $1,000.

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

(ADDED 10/03/88)

CONSIDERATION: $274.60 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 first year's rental have 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.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. The Commission authorized issuance to Billy Timmons and Betty Timmons of a General Permit - Recreational Use for a ten-year period beginning January 1, 1982. In August 1988, Mr. and Mrs. Timmons sold the upland to David Hunter and Elizabeth Hunter. Instead of taking an assignment of the permit, the Hunters wish to enter into a new permit. Commission approval is therefore requested to terminate the existing permit and to issue a new permit, effective September 1, 1988, to the Hunters.

2. Termination and Replacement of the State's Lease PRC 5721 is for administrative purposes only, and does not change or enlarge the estate or use from that granted in the original lease. The previous lessees will execute a quitclaim deed covering the leased area covered by the Lease PRC 5721, which began on January 1, 1982.

(ADDED 10/03/88)

3. 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.

   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.

4. As to the acceptance of a quitclaim deed, 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 the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

   Authority: P.R.C. 21065 and 14 Cal. Adm. Code 15378.

5. As to the issuance of a General Permit, 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 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 approvals previously obtained.

EXHIBITS:

A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE ACCEPTANCE OF A QUITCLAIM DEED, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA

PURSUANT TO 14 CAL. ADM. CODE 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. ADM. CODE 15378.

2. AS TO THE ISSUANCE OF A GENERAL PERMIT, 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).

3. APPROVE TERMINATION OF THE EXISTING PERMIT AND AUTHORIZE THE ACCEPTANCE FOR RECORDATION OF A QUITCLAIM DEED FOR LEASE PRC 5721, WITH A BEGINNING DATE OF JANUARY 1, 1982, AND ISSUANCE TO DAVID HUNTER AND ELIZABETH HUNTER OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL USE BEGINNING SEPTEMBER 1, 1988; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF $274.60, 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 TWO FLOATING BOAT DOCKS AND RAMPS ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

(ADDED 10/03/88)

EXHIBIT "A"

LAND DESCRIPTION

WP 5721

Two separate parcels (Parcel 1, north dock and Parcel 2, south dock) of submerged land in the State-owned bed of the Sacramento River, Tehama County, California, described as follows:

> All that land lying immediately beneath and extending 5 feet from all sides of two existing floating boat docks, said docks being situated along the left bank of the Sacramento River and being adjacent to that land described in deed recorded April 8 1977, in Book 713 at Page 18, Tehama County records. TOGETHER WITH AND INCLUDING that land lying immediately beneath an existing walkway and ramp which is attached to each dock.

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

END OF DESCRIPTION

REVISED NOVEMBER 17, 1981 BY TECHNICAL SERVICES UNIT, ROY MINNICK, SUPERVISOR.

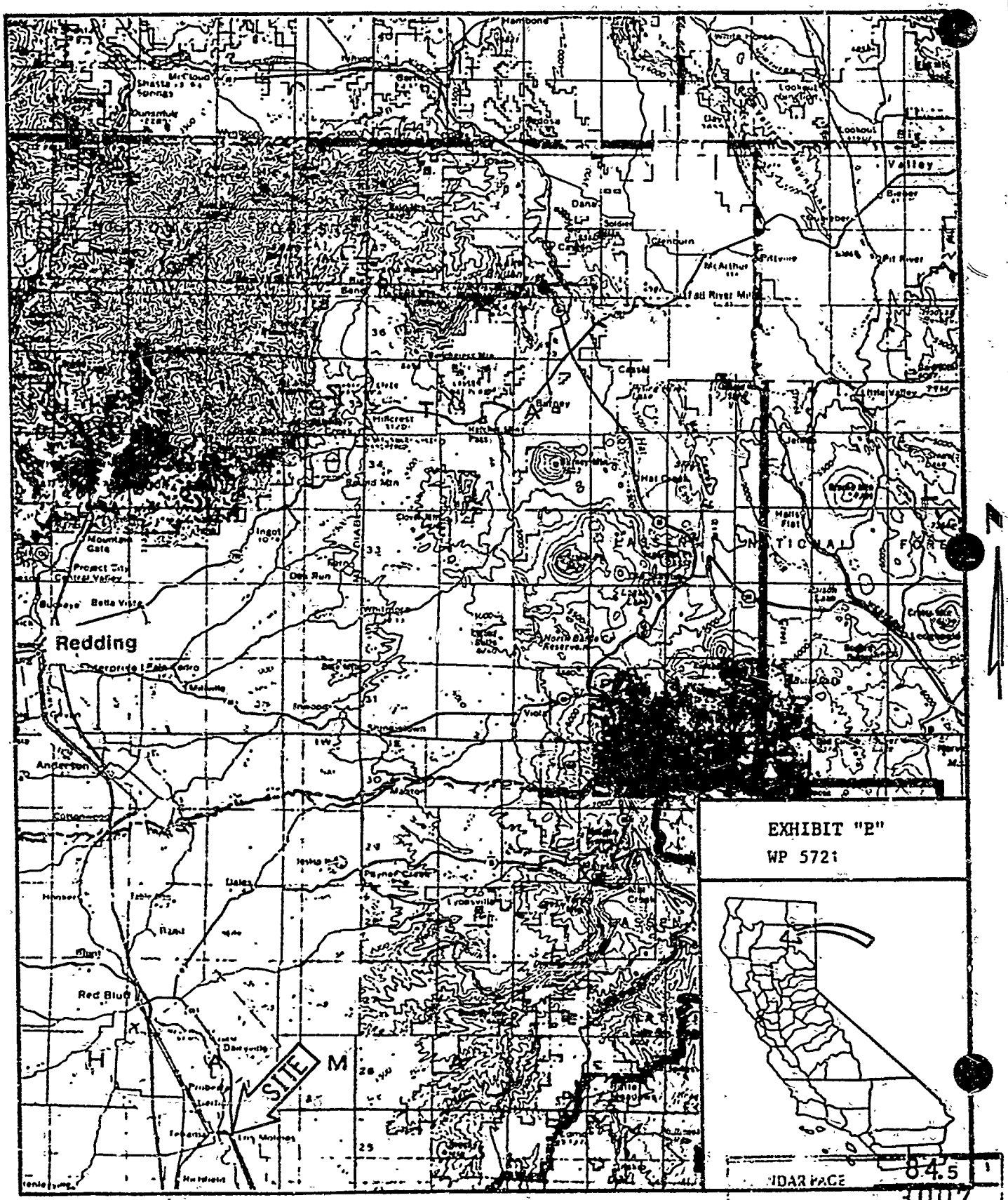

EXHIBIT "B"
WP 5721