

MINUTE ITEM

This Calendar Item No. 49
was approved as Minute Item
No. 49 by the State Lands
Commission by a vote of 3
to 0 at its 02/06/89
meeting.

MINUTE ITEM

49

02/06/89
PRC 6340
L. Beutier

REVOCATION OF RECREATIONAL PIER PERMIT

Mr. John Milliken appeared before the Commission to explain why the houseboat was still stored at the dock and the difficulties he had trying to remove the boat. However, after consideration and discussion, the Commission approved the staff recommendation as presented in Calendar Item 49 attached.

Attachment: Calendar Item 49.

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0.433

MINUTE ITEM

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CALENDAR ITEM

A 6
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49

02/06/89
PRC 6340
Beutler

REVOCAION OF RECREATIONAL PIER PERMIT

APPLICANT: John Milliken
2345 Garden Highway
Sacramento, California 95833

AREA, TYPE LAND AND LOCATION:
2345 Garden Highway, Sacramento River,
Sacramento County.

LAND USE: Floating docks, boat storage.

BACKGROUND

On October 28, 1982 the Commission authorized issuance of a rent free recreational pier permit to John Milliken for a boat dock and ramp in the Sacramento River, effective through October 27, 1992. The facility, prior to receipt of the permit, was in trespass and was the subject of a Reclamation Board action regarding a failure to repair the floating dock, relocate fruit trees and remove specified electrical boxes.

CURRENT SITUATION

On October 15, 1988 staff received a complaint regarding the condition and appearance of the facility. After receiving additional information enforcement staff inspected the site on November 2, 1988 and found the dock area in extreme disrepair. A submerged vessel, the poor condition of two other boats, and the appearance of the dock area created aesthetic degradation.

On November 23, 1988 enforcement staff provided written notice to Mr. Milliken of the complaint and the findings of the site

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inspection. Milliken was asked to contact staff within ten (10) days with plans for repair of the facility and correction of aesthetic problems.

Milliken contacted Lisa Beutler, enforcement chief, on November 30, 1988 and agreed to refloat and bring into repair the partially submerged houseboat within four weeks. He also agreed to clean up the area in the same period.

Milliken then advised that he planned to reconstruct and expand his dock. He agreed to forward his approved United States Army Corps of Engineers permit within two weeks. He indicated the new dock was to be constructed by May 15, 1989.

Enforcement staff again visited the Milliken property on January 20, 1989. The site did not appear substantially different than it did during the initial inspection. The houseboat was still partially submerged. The docks required repair. Electrical cords were running along the ground to the dock.

Staff has yet to receive Milliken's approved Corps permit.

Standard covenants of Milliken's State Lands Commission permit require that:

"REPAIRS:

(a) Lessee shall maintain and keep in good sound repair all improvements upon the property. The removal of, or substantial alteration to, any existing structure shall not be undertaken without prior written permission of Lessor first had and obtained. The failure to obtain the written permission of the Lessor shall be grounds for termination of this lease.

(b) If at any time subsequent to the beginning date of this lease the improvements authorized herein shall fall into a state of disrepair or otherwise become an environmental or aesthetic degradation, as determined by Lessor, then upon written notice by Lessor, Lessee shall have sixty (60) days to repair and correct the conditions cited by Lessor. Failure to comply with the written notice of Lessor shall be grounds for termination of this lease and Lessee shall at the option of the Lessor remove all structures and fill located on lands covered by this lease;"

CALENDAR ITEM NO. 49 (CONT'D)

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 2, Div. 3;
Title 14, Div. 6.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

- 1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 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. Code Regs. 15378.

EXHIBIT: A. Copies of correspondence to Milliken.

IT IS RECOMMENDED THAT THE COMMISSION:

- 1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
- 2. ENVIRONMENTAL FINDINGS (SEE NO. 1)
- 3. FIND THE CURRENT CONDITION OF THE FLOATING DOCK IS A BREACH OF LEASE REQUIREMENTS FOR MAINTENANCE OF FACILITIES.
- 4. DETERMINE THAT STAFF PROVIDED WRITTEN NOTICE OF LEASE REQUIREMENTS ON NOVEMBER 23, 1988 AND PROVIDED ADDITIONAL VERBAL GUIDANCE ON NOVEMBER 30, 1988 TO ALLOW MILLIKEN TO BRING THE FACILITY INTO COMPLIANCE.
- 5. FIND THAT FAILURE TO COMPLY WITH THE WRITTEN NOTICE CONSTITUTES GROUNDS FOR TERMINATION OF THE LEASE AND AUTHORIZE THE EXECUTIVE OFFICER TO REVOKE THE LEASE AFTER THIRTY (30) DAYS SHOULD MILLIKEN FAIL TO CORRECT DEFICIENCIES.
- 7. PURSUANT TO LEASE TERMS, DIRECT MILLIKEN TO REMOVE ALL STRUCTURES AND RETURN THE AREA TO ITS NATURAL STATE UPON NOTICE OF LEASE TERMINATION FROM THE EXECUTIVE OFFICER.

(REVISED 03/23/89)

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STATE OF CALIFORNIA
STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

MR. JOE DEUKMEJIAN, GOVERNOR

November 23, 1988

File Ref: ENF 1088-15

NOTICE OF COMPLAINT

John L. Milliken
2345 Garden Highway,
Sacramento, CA 95833

Dear Mr. Milliken:

Please be advised that we received a complaint regarding your permit for a recreational dock on the Sacramento River.

We inspected your facility on 11-2-88 and found violations of Section 6 of your lease, which states in full: "If at any time subsequent to the issuance of this Permit, the facilities authorized herein should fall into a state of disrepair or otherwise become an environmental or aesthetic degradation, as determined by State, applicant shall have sixty (60) days to repair and correct the conditions cited by State. Failure to comply with the written notice of State shall be grounds for termination of this Permit and applicant shall, at the option of the State, remove all facilities and restore the site to natural conditions."

We observed that your dock is in extreme disrepair and is an aesthetic degradation. We also saw that there are three vessels moored at the dock, all in extreme disrepair, one of which is partially submerged. In addition, we have been told that one of these vessels has been used as a floating residence and rented to others. This would also be a violation of the terms of your lease. If you wish to continue rental use your lease will have to be re-submitted to the Commission.

Please call - Lisa Beutler, Chief, Enforcement Section (916) 322-4105 immediately with any questions or concerns.

As always, we at the State Lands Commission want to work with permit-holders to reach compliance with their leases. Please contact us within ten (10) days with plans for repair of the facility and correction of the aesthetic problems.

Sincerely,

JULIA ABRAMS
Enforcement Section

cc: Lisa Beutler, R. Lynch, H. Maricle

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STATE OF CALIFORNIA
STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

GEORGE DEUKMEJIAN, Governor

November 30, 1988

File Ref.: PRC 6340.9
Enf. 1088-15 ✓

John L. Milliken
2345 Garden Highway
Sacramento, CA 95833

Dear Mr. Milliken:

This is to confirm our conversation today regarding deficiencies in your dock facility.

You have agreed to have the partially submerged houseboat refloated and brought into repair within four weeks. You have also agreed to have the area cleaned up and have the debris including boxes, clothes, and "junk" removed from the dock area within four weeks.

I explained my concerns regarding the condition of your dock. You indicated you have an approved Army Corps permit for reconstruction of your dock to 90 feet. You will provide us with copies of those plans within two weeks.

I will plan an inspection of your facility the week of January 2, 1989. We very much appreciate your efforts to resolve the complaint regarding your facility and your plans to bring your premises into compliance with the terms of your lease.

Sincerely,

LISA BEUTLER, Chief
Enforcement Unit

cc: J. Ludlow
R. Lynch

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STATE OF CALIFORNIA
STATE LANDS COMMISSION
1807 13TH STREET
SACRAMENTO, CALIFORNIA 95814

STATE OF CALIFORNIA GOVERNOR

January 24, 1989

File Ref: PRC 6340.9
ENF 1088-15

John L. Milliken
2345 Garden Highway
Sacramento, CA 95833

Dear Mr. Milliken:

As you know, you received written notice from my staff on November 23, 1988 discussing deficiencies in your facility and discussing the complaint we had received about your boats.

On November 30, 1988 you and I spoke about the need to clean up the area and bring it into repair. During our conversation you agreed to take positive steps towards that end. You promised to refloat the sunken houseboat within four weeks and clean up the area. You also agreed to provide your Army Corps approved plans to expand and reconstruct your dock within two weeks.

To my disappointment, I inspected your facility on January 20, 1989 and found little improvement.

Mr. Milliken, based on your failure to resolve the identified problems, I am requesting that the State Lands Commission review the status of your lease. The matter will most likely be considered in February.

As I have indicated previously we are always willing to work with individuals in achieving compliance. Please give this matter your immediate attention.

LISA BEUTLER, Chief
Enforcement Section
(916) 322-4105

cc: J. Ludlow, Land Agent
D. Hadly, Staff Counsel

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