

MINUTE ITEM

This Calendar Item No. 31
was approved as Minute Item
No. 31 by the State Lands
Commission by a vote of 02
to 0 at its 9/27/90
meeting.

CALENDAR ITEM

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09/27/90
PRC 2851
Grimmett

**AUTHORIZE LITIGATION FOR TRESPASS,
EJECTMENT, AND DAMAGES FOR UNAUTHORIZED OCCUPATION
AND USE OF STATE-OWNED LAND**

PARTIES: Thomas E. Liebner and Robyn D. Liebner
dba Rainbow Resort
1100 W. Brannan Island Road
Isleton, California 95641

AREA, TYPE LAND AND LOCATION:
A 1.14-acre parcel of tide and submerged land
in Seven-Mile Slough at Andrus Island,
Sacramento County.

LAND USE: Commercial marina known as Rainbow Resort.

BACKGROUND:

On June 29, 1990, the Liebners purchased Rainbow Resort, as indicated in a grant deed recorded as document number 90 06 29-0919, Official Record of Sacramento County. The resort consists of a campground on the upland and a marina which occupies State-owned tide and submerged lands in Seven-Mile Slough. Prior to the Liebner's purchase, this marina had been under lease for many years. However, the former lease was terminated by Commission action on May 31, 1989 for non-payment of rent.

Mr. Liebner visited the Commission's office to discuss his purchase of this marina in mid-June 1990 and was given a lease

application form. Subsequent to the purchase date, follow-up calls were made with messages being left on a telephone recorder and the matter was also discussed with Mr. Liebner personally.

By letter of July 25, 1990, Mr. Liebner was reminded of the need to apply for a State lease for the marina and to return his application by August 22, 1990.

On September 11, staff visited the marina and told the manager of the need to apply for a lease or we would file suit for trespass. A follow-up letter, dated September 14, 1990, was sent to Mr. Liebner to again inform him that the marina was occupying State sovereign land, that he was in trespass, and that staff was recommending the Commission file suit for trespass, ejectment, and damages.

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. 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. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. AUTHORIZE STAFF COUNSEL AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION FOR TRESPASS, EJECTMENT, AND DAMAGES, TO TERMINATE THE UNAUTHORIZED OCCUPATION AND USE OF STATE-OWNED TIDE AND SUBMERGED LAND IN SEVEN-MILE SLOUGH AT ANDRUS ISLAND, SACRAMENTO COUNTY, BY THOMAS E. LIEBNER AND ROBYN D.

CALENDAR ITEM NO. 31 (CON'D)

LIEBNER, DBA RAINBOW RESORT AND TO COLLECT COMPENSATION FOR
THE UNAUTHORIZED USE OF SAID LANDS, REMOVAL AND RESTORATION
COSTS, ATTORNEYS' FEES, AMONG OTHERS.

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