MINUTE ITEM
This Calendar Item No. C06
was approved as Minute Item
No. 06 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/92
meeting.

CALENDAR ITEM

A 1

S 4

C 06

09/23/92
W 24812
J. Ludlow
PRC 7646

APPROVAL OF A GENERAL PERMIT - PUBLIC AGENCY USE

APPLICANT:
United States Bureau of Land Management
355 Hemsted Drive
Redding, California 96002

AREA, TYPE LAND AND LOCATION:
Three parcels of sovereign land consisting of approximately 100 acres adjacent to the Sacramento River at, and near, the mouth of Battle Creek near Cottonwood, Tehama County.

LAND USE:
Riparian maintenance and public recreation.

TERMS OF PROPOSED PERMIT:
Initial period:
Ten (10) years beginning October 1, 1992.

CONSIDERATION:
The public use and benefit, with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

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

APPLICANT STATUS:
Applicant is permittee of the upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing fee 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 Code Regs.: Title 2, Div. 3: Title 14, Div. 6.

AB 884:
02/01/93

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 as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land, 14 Cal. Code Regs. 15304.

   Authority: P.R.C. 21084 and 14 Cal. Code Regs. 15304

2. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

3. Pursuant to quiet title action and permanent injunction in People of the State of California v. Charles A. Orwick, et al, Tehama County Superior Court Case 18801, 1983, title to a defined parcel of sovereign land near the mouth of Battle Creek was quieted in the State and is under the jurisdiction of the State Lands Commission. Subsequent to the judgment, the land has been used as unrestricted public access to the Sacramento River. The unrestricted and uncontrolled public uses have led to large scale destruction of the area, as well as public health and safety problems. Automobiles have been abandoned, trees have been cut down, fires have been started. During the salmon season, a large number of fishermen camp in the area for months at a time, using the adjacent vegetation as restroom sites.

4. The Bureau has requested authority to perform on-ground management of the parcels, including ranger patrols, facility design and operation while providing recreational opportunities for the public and protection of the riparian forests on the parcels. The Bureau's management of these lands would eliminate the removal of the State's resources, unauthorized occupancy, litter, and sanitation problems.

5. No permanent structures or features will be constructed or placed upon the lease area during this interim development phase. The proposed management actions on the parcels include: (1) establishment of a 14-day stay limit; (2) placement of informational signs to identify camp and day use areas, restroom locations, and a boat-launch area; (3) placement of posts along interior roads and parking areas to prevent vehicle use in riparian areas; (4) placement of portable restrooms and trash cans during the major-use season; and (5) providing ranger and maintenance personnel to initiate visitor services.

   The Bureau of Land Management proposes to develop a detailed site plan and prepare an environmental assessment for the further development of this area which would require an amendment to this authorization.

6. The permit requires the permittee to provide containers for trash and refuse.

7. The permit states that permittee shall not provide to its customers any prepared food in polystyrene foam food containers.

8. Permittee agrees to conserve the natural resources on the subject property and to prevent pollution and harm to the environment.

9. The annual rental value for the combined sites is $1,350.

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APPROVALS OBTAINED:

Shasta County, Department of Fish and Game, and United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:

None

EXHIBITS:

A. Land Description
A-1. Site Map
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. CODE REGS. 15378 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATION TO LAND, 14 CAL. CODE REGS. 15304.

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

3. AUTHORIZE ISSUANCE TO THE UNITED STATES BUREAU OF LAND MANAGEMENT OF A TEN-YEAR GENERAL PERMIT - PUBLIC AGENCY USE, EFFECTIVE OCTOBER 1, 1992, FOR THE MANAGEMENT OF PUBLIC LAND FOR THE PURPOSE OF RIPARIAN MAINTENANCE AND PUBLIC RECREATION, ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED, AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

W 24812

LAND DESCRIPTION

Those three parcels of State-owned land in Tehama County, California, more particularly described as follows:

PARCEL 1

All that island in the Sacramento River situated in the projected Sections 22, 23, 26 and 27, T 29 N, R 3 W, M.D.M., as shown on the Record of Survey recorded August 13, 1984 in Book V of Maps Page 1, Tehama County.

TOGETHER WITH a 12 foot easement for public pedestrian and vehicular access to the above described island as described in Exhibit B in that certain Judgment Quieting Title and Permanent Injunction recorded in Book 968, Page 544, in the Official Records of Tehama County.

PARCEL 2

That strip of land situated in the projected Sections 23, 26 and 27, T 29 N, R 3 W, M.D.M., being a portion of the historic channel of the Sacramento River, said strip lying between the easterly boundary of the abovementioned Parcel 1 and the westerly boundaries of Lots 3 and 4 in said Section 23, Lot 1 in said Section 26, and Lot 6 in said Section 27.

EXCEPTING THEREFROM any portions lying landward of the ordinary low water mark of the left bank of the Sacramento River.

PARCEL 3

All that island in the Sacramento River situated in the projected Section 28, T 29 N, R 3 W, M.D.M., lying easterly of BLA 107 as recorded June 4, 1969 in Book 529 Official Records Page 264, Tehama County, and westerly of the centerline of the present channel of the Sacramento River.

END OF DESCRIPTION

PREPARED JULY, 1992 BY LLB.

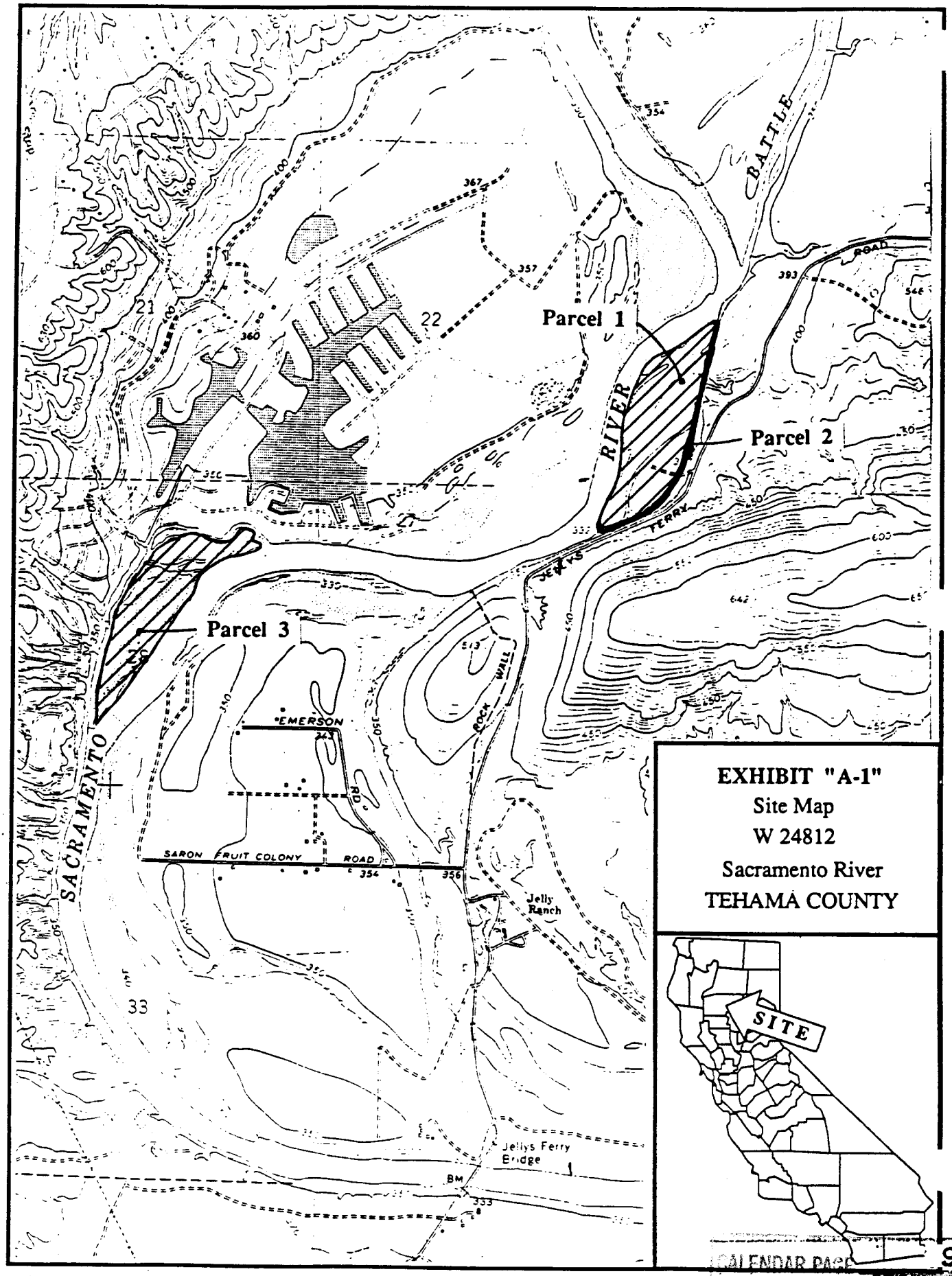

EXHIBIT "A-1"
Site Map
W 24812
Sacramento River
TEHAMA COUNTY

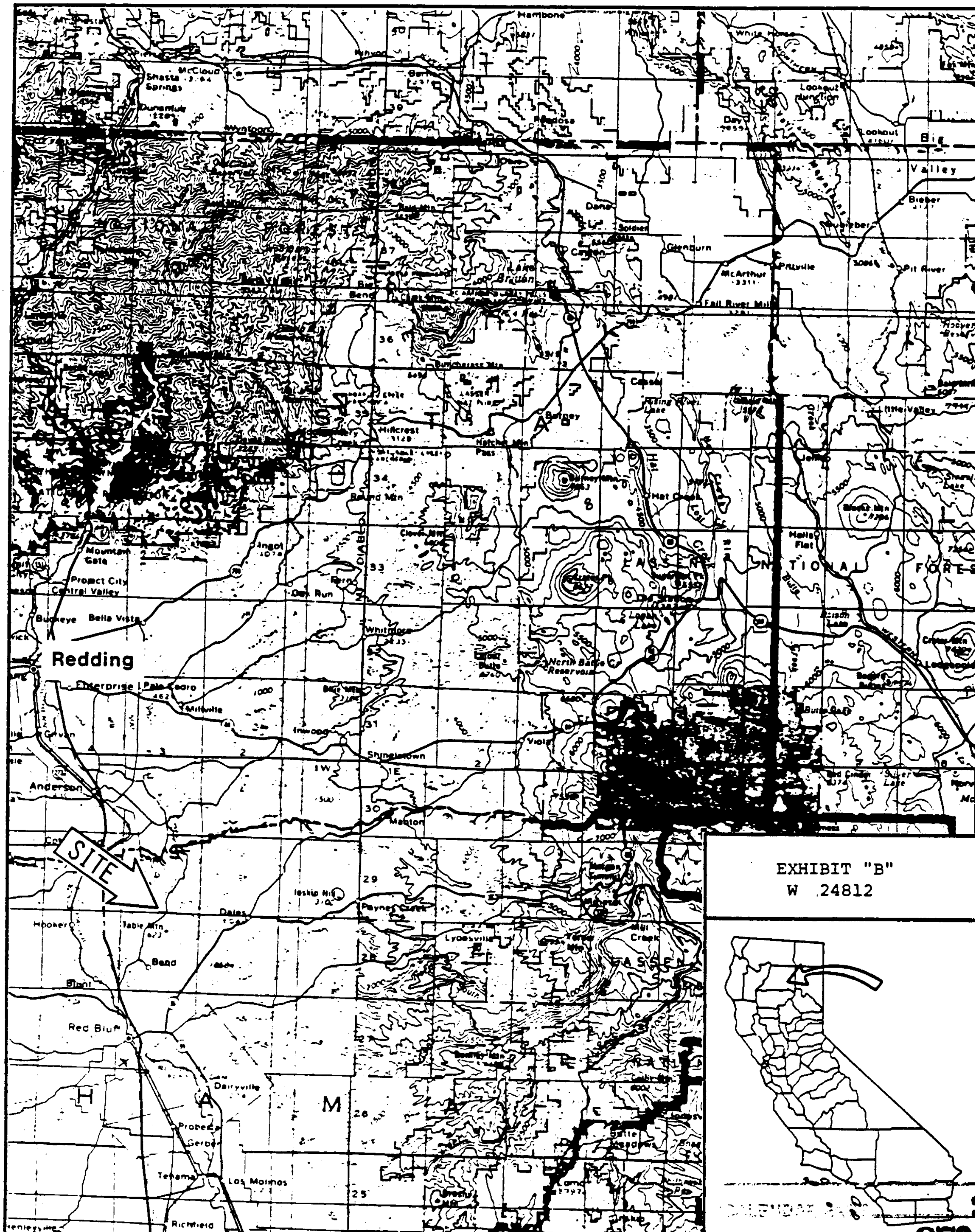

EXHIBIT "B"
W 24812

92
2701