MINUTE ITEM
This Calendar Item No. 55
was approved as Minute Item
No. 55 by the State Lands
Commission by a vote of 3
to 0 at its 12/17/92
meeting.

MINUTE ITEM

55

A 3
S 1

12/17/92
W24733
L. Martinez

CONSIDER AN APPLICATION AND AUTHORIZATION FOR LITIGATION FOR EJECTMENT AND DAMAGES FOR UNAUTHORIZED OCCUPATION OF STATE-OWNED LAND

Omit staff recommendation number 5, otherwise approved as presented.

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CALENDAR ITEM

55

A 3

S 1

12/17/92
W 24733
Martinez

CONSIDER AN APPLICATION AND AUTHORIZATION FOR LITIGATION FOR EJECTMENT AND DAMAGES FOR UNAUTHORIZED OCCUPATION OF STATE-OWNED LAND

APPLICANT:

Sutter County, Department of Public Works
1160 Civic Center Drive, D
Yuba City, California 95993

BACKGROUND:

The Permit Streamlining Act requires that once an application has been accepted as complete, the Commission must act on the application within specified time periods. Failure to act within the time allowed, either by approving or denying the project, could result in approval of the project.

The Applicant, Sutter County, applied to the Commission for a lease to authorize construction of a 20-foot extension to an existing boat-launch ramp and the use and maintenance of the boat-launching ramp in the Feather River near Yuba City, Sutter County.

Staff received a 90-day extension from Sutter County to allow more time to resolve both parties' concerns with portions of the lease language.

The Applicant has failed to execute the lease prepared by staff for consideration by the State Lands Commission. The Applicant has indicated refusal to execute the agreement unless Section 4

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containing general provisions, is amended by deletion of paragraphs 4(f), 8(a)(b)(c), 9(a), 10(g), 11(a)(2), and 12(e) which are all standard lease requirements pertaining to toxics, hazardous waste, bonding and insurance requirements. The time limits of the Permit Streamlining Act are about to expire.

Therefore, staff recommends that the Commission deny without prejudice the current application on file.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:

12/29/92

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 CEQA does not apply to projects which a public agency rejects or disapproves.

   Authority: P.R.C. 21080(b)(5) and 14 Cal. Code Regs. 15270.

2. As to the authorization for litigation for ejectment, 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

EXHIBITS:

A. Land Description
B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE DENIAL, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 P.R.C. 21080(b)(5) AND 14 CAL. CODE REGS. 15270, PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES.

2. AS TO THE AUTHORIZATION FOR LITIGATION TO EJECT, 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.

3. DENY, WITHOUT PREJUDICE TO THE APPLICANT'S RIGHT TO REAPPLY FOR THE SAME PROJECT, THE APPLICATION OF SUTTER COUNTY, DEPARTMENT OF PUBLIC WORKS FOR CONSTRUCTION OF AN EXTENSION TO AN EXISTING BOAT-LAUNCH RAMP AND THE USE AND MAINTENANCE OF THE RAMP IN THE FEATHER RIVER, SUTTER COUNTY, AS DESCRIBED AND SHOWN ON EXHIBITS "A" AND "B" ATTACHED AND BY REFERENCE MADE A PART HEREOF IN COMPLIANCE WITH THE STANDARDS FOR DENIAL SET FORTH IN STATE ADMINISTRATIVE MANUAL SECTION 1099.

4. AUTHORIZE STAFF TO ADVISE THE APPLICANT OF THE COMMISSION'S ACTION TO DENY AND THE APPLICANT'S RIGHT TO REAPPLY.

5. AUTHORIZE STAFF COUNSEL AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO TERMINATE THE UNAUTHORIZED OCCUPATION OF STATE-OWNED LANDS IN THE BED OF THE FEATHER RIVER, AS DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AND BY THIS REFERENCE INCORPORATED HEREIN, BY A BOAT-LAUNCH RAMP.

EXHIBIT "A"

W 24733

LAND DESCRIPTION

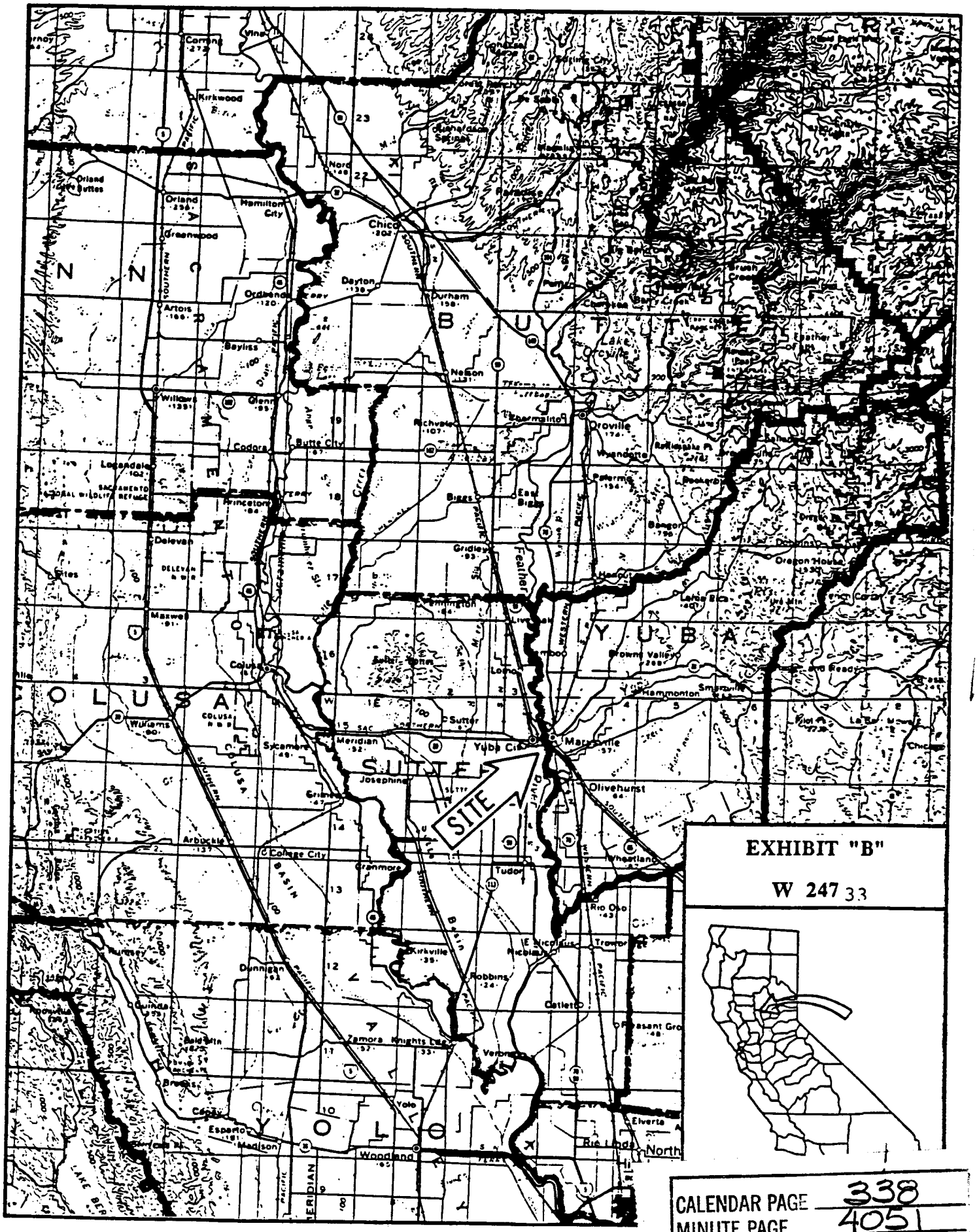
A parcel of State-owned sovereign land in the bed of the Feather River, in the city of Yuba City, Sutter County, State of California, more directly described as follows:

> A 50 foot by 250 foot rectangular parcel of land for the Yuba City Boat Ramp, said parcel being along the right bank of the Feather River at river mile 27.75 more or less as shown on the Yuba City Quadrangle map dated 1952, photorevised 1973, said parcel is located approximately 900 feet northerly of the convergence of the Feather River with the Yuba River.

EXCEPTING THEREFROM any portion lying above the low water mark of the Feather River.

END OF DESCRIPTION

REVISED APRIL, 1992 BY LLB



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