MINUTE ITEM
This Calendar Item No. C28
was approved as Minute Item
No. 28 by the State Lands
Commission by a vote of 3
to 0 at its 7-19-93
meeting.

CALENDAR ITEM

C28

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07/19/93
WP 6177
FONG

TERMINATION OF GENERAL PERMIT - RECREATIONAL USE &
ISSUANCE OF A RECREATIONAL PIER PERMIT

APPLICANT:
C.L. Malinowski and Etta L. Malinowski
747 Warford Ave.
Vallejo, CA 94591

AREA, TYPE LAND AND LOCATION:
0.28 acres of tide and submerged land in the Sacramento River at Long Island, located near Isleton, Sacramento County.

LAND USE:
Continued use and maintenance of an existing floating dock and gangway.

CURRENT LEASE TERMS:

Lease period:
Ten years beginning August 1, 1982.

Surety bond:
$1,000.

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

Consideration:
$220 per annum; five-year rent review.

Special:
Lessee granted the right to dredge within the leased premises described within Parcel 2 subject to certain conditions.

TERMS OF PROPOSED PERMIT:

Initial period:
Ten years beginning August 1, 1990.

CONSIDERATION:
In accordance with the provisions of Section 6503.5 of Division 6 of the Public Resources Code.

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

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing expense deposit have been received.

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:
N/A.

OTHER PERTINENT INFORMATION:

1. 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 review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

2. 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 1, Existing Facilities, 2 Cal. Code Regs. 2905(a)(2).

   Authority: P.R.C. 21084, 14 Cal. Code Regs. 15300, and 2 Cal. Code Regs. 2905.

3. A General Permit - Recreational Use lease (GP-Rec Use) was issued to the Malinowskis pursuant to Commission action of September 29, 1981 for the use of two sovereign lands parcels. Parcel 1, filled tidelands located on the tip of Long Island is land locked and was used by the Malinowskis for "recreational uses". Parcel 2 is located in the Sacramento River and is occupied by the Malinowskis' existing floating dock and gangways. Parcels 1 and 2 are described and depicted on Exhibit "A".

   In 1985, the Malinowskis constructed a single family dwelling on their upland parcel which abuts and is landward of Parcels 1 and 2, thereby making the Malinowskis eligible for a rent free Recreational Pier Permit (RPP) for the docking facilities they maintain on Parcel 2. Mr. Malinowski made a written request on February 7, 1989 to convert his lease into RPP status. Because the Malinowskis' use of Parcel 1 would not qualify for RPP status, Mr. Malinowski asked to purchase Parcel 1. Staff reviewed his request and determined that it would not be possible to make findings necessary to convey Parcel 1. It was subsequently agreed that Parcel 1 would be deleted from the lease. Mr. Malinowski has ceased the use of Parcel 1 of lease PRC 6177 and has removed all improvements from the parcel. Staff has determined that the Malinowskis' use of Parcel 2 will now qualify for the rent free RPP. Mr. Malinowski has submitted an application requesting conversion of his GP (Rec. Use) to an RPP. Staff recommends that Mr. Malinowski's GP-Rec Use Lease for Parcels 1 and 2 be terminated effective July 31, 1990, and that a RPP for a term of ten years be issued for Parcel 2 only, effective August 1, 1990.

APPROVALS OBTAINED:

N/A.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

EXHIBIT:

A. Land Description and Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

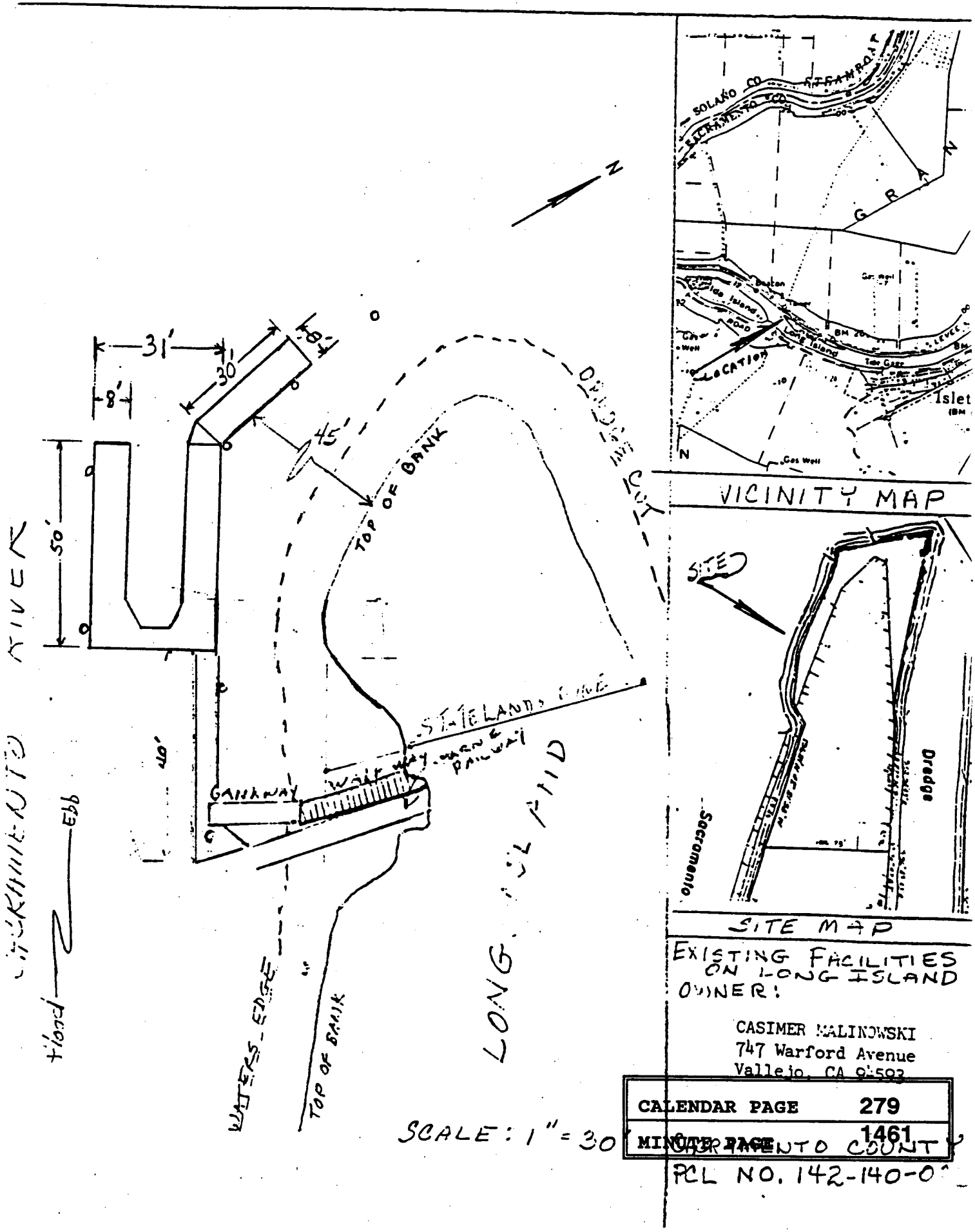
1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, 2 CAL. CODE REGS. 2905(A)(2).

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 THE TERMINATION OF A GENERAL PERMIT - RECREATIONAL USE, LEASE NUMBER PRC 6177, EFFECTIVE JULY 31, 1990 AND THE ISSUANCE TO C.L. MALINOWSKI AND ETTA L. MALINOWSKI OF A TEN-YEAR RECREATIONAL PIER PERMIT BEGINNING AUGUST 1, 1990; IN ACCORDANCE WITH THE PROVISIONS OF SECTION 6503.5 OF DIVISION 6 OF THE P.R.C., SUBSTANTIALLY IN THE FORM ON FILE IN THE OFFICES OF THE COMMISSION.

EXHIBIT A

WP 6177



CALENDAR PAGE	279
MINUTE PAGE	1461