CALEDAR ITEM
C84

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		W26581
S	6	P. Pelkofer
		V. Caldwell

CONSIDER AUTHORIZATION FOR THE STAFF OF THE CALIFORNIA STATE LANDS COMMISSION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE LEGAL ACTION TO CAUSE COMPLIANCE WITH THE COMMISSION'S LEASING AUTHORITY AND FOR REMEDIATION FOR PLACEMENT OF UNAUTHORIZED PILINGS AND STRUCTURES ON SOVEREIGN STATE LANDS IN THE SACRAMENTO RIVER

PARTY:

California State Lands Commission

AREA, LAND TYPE, AND LOCATION:

State sovereign tidelands and submerged lands in the Sacramento River and state lands adjacent to the Garden Highway, Sacramento County.

BACKGROUND:

The Commission's staff has identified four parties who have illegally placed piers, pilings and other objects on state sovereign lands along the Sacramento River. These unlawful improvements were discovered during investigations into the installation and construction of pilings and structures on sovereign lands by Mr. Lee Stearn without permits or leases. At its December 5, 2012 meeting, the Commission authorized legal action against Mr. Stearn (Calendar Item C 78). The four property owners identified in this report have refused or ignored requests from staff to bring the unlawful improvements under lease.

The Department of Justice attorneys representing the Commission against Mr. Stearn have recommended that actions against the four property owners who used his services be joined into the same suit. This course would provide necessary evidence of his actions as well as economy of legal effort.

Each of the individuals whom the staff has identified as being the owners of illegally placed piers, pilings or other objects on state sovereign lands and who have failed to respond has been given written notice.

OTHER PERTINENT INFORMATION:

1. The staff recommends that the Commission find that this activity is exempt from the requirement of CEQA under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

   Authority: California Code of Regulations, Title 14, section 15061, subdivision (b)(3).

2. This request for legal action involves lands identified as possessing significant environmental value pursuant to Public Resources Code section 6370, et seq., but no activity other than legal action is being authorized and as such there will be no affect on these significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it the staff's opinion that the project, as proposed, is consistent with it use classification.

EXHIBIT:

A. Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDINGS:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 13, section 15061 because there is no possibility that the activity may have a significant effect on the environment: California Code of Regulation Title 14, section 15061, subdivision (b)(3).

SIGNIFICANT LANDS INVENTORY FINDINGS:

Find that this activity is consistent with the use classification designated by the Commission for the land pursuant to Public Resources Code Section 6370, et seq.

AUTHORIZATION:

Authorize the staff and /or the Office of the Attorney General to take legal action to cause compliance with the Commission's leasing authority, to have pilings and structures on sovereign state lands removed or brought under lease and to recover any costs and damages.

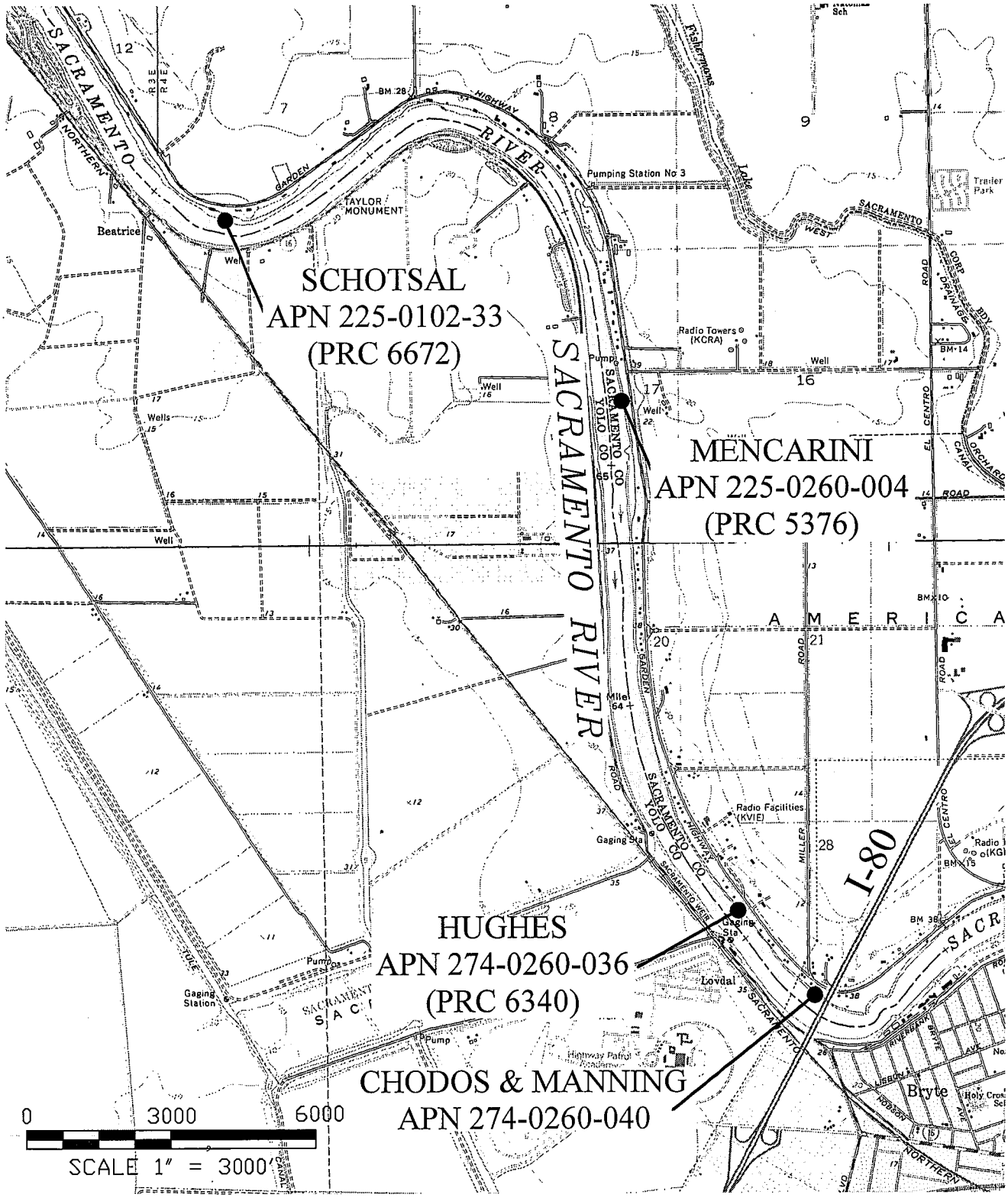

EXHIBIT A

MJF 6/12/13

W 26581
TRESPASS
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION