

**CALENDAR ITEM
C113**

A 7
S 6

09/20/13
W 26581
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 FOR PLACEMENT OF AN UNAUTHORIZED PILING AND
STRUCTURE ON SOVEREIGN LAND IN THE SACRAMENTO RIVER**

PARTY:

California State Lands Commission

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 2221 Garden Highway,
Sacramento County.

BACKGROUND:

On June 21, 2013, the Commission authorized staff and /or the Office of the Attorney General to take legal action to cause compliance with the Commission's leasing authority against four Garden Highway property owners, to have pilings and structures on sovereign land removed or brought under lease and to recover any costs and damages.

The Commission's staff has identified another Garden Highway property owner who has illegally placed a piling and other objects on state sovereign lands along the Sacramento River. The 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 property owner identified in this report has 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 this property owner and the four other property owners who used his services be joined into the same legal action.

CALENDAR ITEM NO. **C113** (CONT'D)

This course would provide necessary evidence of his actions as well as economy of legal effort.

The individual whom staff has identified as being the owner of an illegally placed piling or other objects on state sovereign lands and who has 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 but such activity will not affect those 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 FINDING:

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).

CALENDAR ITEM NO. **C113** (CONT'D)

SIGNIFICANT LANDS INVENTORY FINDING:

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 damage.

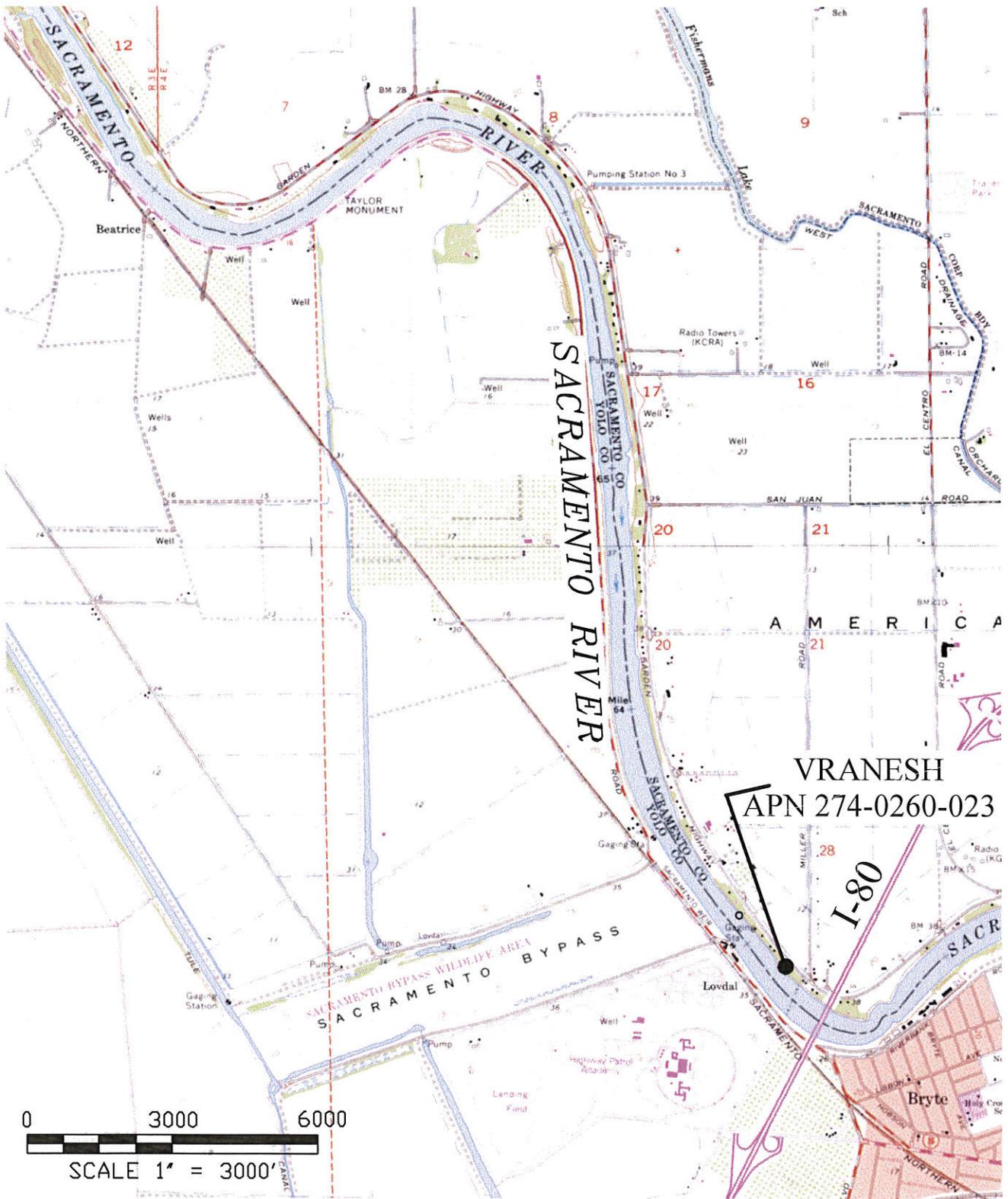


EXHIBIT A

MJF 8/1/13

W 26581
TRESPASS
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION

