

**CALENDAR ITEM
C78**

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02/09/16

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V. Caldwell

P. Pelkofer

CONSIDER AUTHORIZING STAFF OF THE CALIFORNIA STATE LANDS COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE LEGAL ACTION AGAINST STEVEN AND ANITA RAMOS TO CAUSE COMPLIANCE WITH THE COMMISSION'S LEASING AUTHORITY AND JURISDICTION OR TO REQUIRE REMOVAL OF STRUCTURES TRESPASSING ON STATE SOVEREIGN LANDS IN STEAMBOAT SLOUGH, SOLANO COUNTY, CALIFORNIA AND FOR RECOVERY OF COSTS AND DAMAGES

PARTY:

California State Lands Commission

BACKGROUND:

Steven and Anita Ramos are the owners of upland property on Martins Island in the community of Snug Harbor on Steamboat Slough, Solano County, California. In addition to the upland parcel, they own a ramp and dock in Steamboat Slough that is located on sovereign state land. The dock and ramp were previously under lease until the lease expired in 2008. Staff has sought to reinstate the lease. Mr. and Mrs. Ramos have ignored repeated letters and phone messages from staff requesting they submit an application to bring the ramp and dock back under lease. Additionally, staff has posted signs on the dock providing notice that it is in trespass on sovereign state land and failure to obtain a lease may result in the Commission taking legal action.

STAFF ANALYSIS AND RECOMMENDATION:

Statutory Authority:

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, Title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

A continuing trespass such as maintaining a dock and ramp on sovereign land without appropriate authorization deprives the public of both access to and use of these lands. The requested authorization is intended to protect the public trust resources and values, including the public's right to use of these sovereign lands. Taking legal action when no other recourse is available is not only consistent with the Public Trust Doctrine, but

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supports trust purposes and values. An unauthorized dock and ramp on sovereign lands also creates a liability for the State and a potential hazard if it is not maintained or removed. Staff believes it is in the State's best interests to authorize staff to take legal action to bring the owners of the facilities under lease or remove the facilities from sovereign land.

OTHER PERTINENT INFORMATION:

1. It has been staff's experience that once suit is filed, compliance is often achieved without trial and judgment; therefore, staff also requests that the Commission authorize the Executive Officer to take any action necessary, once the legal process is commenced, to settle or dismiss the action if a lease application is submitted and the Commission authorizes a lease for continued use or removal.
2. This action is consistent with Strategy 1.1 of the Commission's Strategic Plan to deliver the highest levels of public health and safety in the protection, preservation, and responsible economic use of the lands and resources under the Commission's jurisdiction.
3. Approving taking legal action is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378, subdivision (b)(5).

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but the activity will not have a significant effect on those lands.

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the activity is consistent with the common law public trust doctrine and is in the best interests of the State.

SIGNIFICANT LANDS INVENTORY FINDING:

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

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AUTHORIZATION:

Authorize the staff of the Commission and the Office of the Attorney General to take legal action against Steven and Anita Ramos to cause compliance with the Commission's leasing authority or to removal the structures trespassing on state sovereign land in Steamboat Slough, Solano County and to obtain costs and damages, and further authorize the settlement or dismissal of that legal action, if a lease application is submitted and the Commission authorizes a lease for continued use or removal.