

MINUTE ITEM

7/25/74
SCL

24. AUTHORIZATION FOR THE EJECTION OF J. D. COWAN FROM THE SITE OF HIS TRESPASS IN STEAMBOAT SLOUGH, YOLO COUNTY - W 20697.

After consideration of Calendar Item 22 attached, and upon motion duly made and carried, the following resolution was adopted:

THE COMMISSION AUTHORIZES THE STAFF OF THE STATE LANDS DIVISION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL ACTION NECESSARY, INCLUDING LITIGATION, TO EJECT J. D. COWAN FROM THE SITE OF HIS TRESPASS IN STEAMBOAT SLOUGH, YOLO COUNTY.

Attachment:

Calendar Item 22 (1 page)

CALENDAR ITEM

22.

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COMPLAINT IN EJECTMENT;
J. D. COWAN

Mr. Cowan proposes to dredge, fill and riprap on State-owned land along the existing bank of Steamboat Slough without authority of the State Lands Commission. Mr. Cowan has submitted an incomplete application for a lease of State land in the bed of the Slough. He failed to provide an acceptable environmental data statement as required by 2 Cal. Adm. Code Article 10. This is extremely important because of the nature of contemplated land use--the docking of a large yacht-size vessel capable of use as a residence.

Mr. Cowan is presently using the vessel as a residence. The staff of the Division made an on-the-site inspection and has determined that there is ample evidence that the vessel serves as a residence. It is presently docked adjacent to the upland and there is no residential structure on the uplands.

The permanent docking of the large vessel at the proposed site is in violation of the Delta Master Recreation Plan which was submitted on March 14, 1973, to the Legislature pursuant to Chapter 914, Statutes of 1968. Steamboat Slough at the subject location is a "multiple use channel" in which ". . . facilities will be limited to those that are clearly necessary for public enjoyment and use consistent with furthering the public trust purposes." The Plan further expressly forbids floating residences in the Delta. In addition, the use of sovereign land for residential purposes is a violation of the public trust.

The Division was informed by notice dated February 13, 1974, that Mr. Cowan's application for a Corps permit was denied.

In view of the above, this Division would not recommend to the State Lands Commission that it authorize a lease of land at the subject site for facilities to dock a privately-owned vessel, especially a large craft suited to and used for a dwelling.

Mr. Cowan is a trespasser on sovereign land and appropriate legal action to remove him should be instituted.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE STAFF OF THE STATE LANDS DIVISION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL ACTION NECESSARY, INCLUDING LITIGATION, TO EJECT J. D. COWAN FROM THE SITE OF HIS TRESPASS IN STEAMBOAT SLOUGH, YOLO COUNTY.