

MINUTE ITEM

This Calendar Item No. 22
was approved as Minute Item
No. 22 by the State Lands
Commission by a vote of 3
to 0 at its 3-25-76
meeting.

CALENDAR ITEM

3/76
DR
W 20188

22

AUTHORIZATION FOR SUIT FOR EJECTMENT
AND COLLECTION OF BACK RENTALS

APPLICANT: R. H. Pelham
Box 53A
Los Molinos, California 96055

AREA, TYPE LAND AND LOCATION:
An 0.18 acre parcel of submerged land in the
Sacramento River near Los Molinos, Tehama
County.

LAND USE: Trespass

BACKGROUND: The Division received Department of the Army,
Corps of Engineers, Public Notice 4916, dated
November 23, 1971, relative to an existing
marina in the Sacramento River at Assessor's
Parcel No. 66-140-07, Tehama County. On
December 2, 1971, the Division interposed an
objection to the issuance of this permit on
the grounds that no permit had been issued by
the State Lands Commission. A copy of this
letter, together with an application, was
sent to Mr. Pelham.

The Secretary for Resources, by letter dated
December 17, 1971, advised the U. S. Army
Corps of Engineers "The State Lands Division
states that a lease or permit will be required
...", and "if the foregoing requirements are
met, the State of California has no objection
to your issuance of the requested permit."

By letters, dated February 4, 1972, March 8,
1972, October 2, 1974, and February 6, 1976,
the latter by certified mail -- return receipt
requested -- Mr. Pelham was advised that the
erection or maintenance of structures on State
owned land under the jurisdiction of the State
Lands Commission without written authorization
is in violation of the Public Resources Code.
On January 22, 1976, the Division conducted a
field investigation which revealed:

1. Two floating docks. One measures approxi-
mately 8' x 50'. The second is approximately
8' x 80'.

A 1

S 1

CALENDAR ITEMS NO. 22 (CONTD)

2. Both floating docks had several boats tied to them.
3. It was noted that commercial facilities are situated on the upland.

Since February 8, 1972, Mr. Pelham has not responded to the communications of the State Lands Division. His pattern of conduct suggests an indifferent and flagrant trespasser.

EXHIBIT: A. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION AUTHORIZE THE STAFF OF THE STATE LANDS DIVISION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, IN ORDER TO ELIMINATE THE CONTINUING TRESPASS OF R. H. PELHAM FROM STATE-OWNED SUBMERGED LAND IN THE SACRAMENTO RIVER, TEHAMA COUNTY AND TO COLLECT JUST COMPENSATION FOR HIS PRIOR UNAUTHORIZED USE.