

20. EMERGENCY PERMIT FOR INSTALLATION OF BOAT DOCKING FACILITIES IN ORDER TO CONTROL LEVEE EROSION AND DAMAGE TO RIPARIAN VEGETATION, STEAMBOAT SLOUGH, SACRAMENTO COUNTY - W 21837

During consideration of Calendar Item 20, attached, the applicant, Mrs. Lucille Peck, appeared. She explained the purpose of her application is to remedy the severe problem which exists with respect to the levees in Steamboat Slough caused by boaters abusing the area. However, she was informed just prior to this meeting that there was doubt as to whether or not she is the owner of the upland. Mrs. Peck expressed her outrage at this assertion contending that her husband's family has owned the property for over 150 years, has paid property and district levee maintenance taxes for years, and has spent vast amounts of money maintaining and preserving the area, principally because of the boaters abusing the levees.

Mr. James F. Trout, Chief, Land Management and Conservation, explained that the rules and regulations under which the Commission operates requires the staff to recommend leases to the upland owner immediately adjacent to the State lands, or to someone having the upland owner's consent. He explained that since the calendar item had been prepared, three things had happened:

1. Evidence appeared which shows that the upland may be in the ownership of the reclamation district rather than the applicant.
2. An article in the Sacramento Bee stating that the boaters are no longer tying up to the upland.
3. The Attorney General's office concern over the length of time the land has been used, and the resulting prescriptive or implied rights which have developed.

Mr. Trout, therefore, recommended this item be put over until next month when the ownership problem can be researched further and a preliminary implied dedication investigation can be made.

Commission-Alternate Sid McCausland instructed the staff, regardless of what transpires within the next month with respect to Mrs. Peck, to do everything possible so that adequate moorings are provided for the boats along the Delta. He indicated he is

personally appalled at the abuse of the levees by the boaters, especially in the area of the Delta.

The Commission asked questions about the reason for the emergency permit. Mr. Trout explained it would allow Mrs. Peck to install moorings which in turn would compel boaters to use the buoys and not tie up to the levee itself or the vegetation thereon. Mrs. Peck would then be reimbursed by the boaters. He further explained the staff was looking at the short-term protection of the environment in recommending a six-month lease because the heavy summer boating season was at its height, and the levees were becoming more and more deteriorated. Any long-term marina project would require six to nine months to process.

At the conclusion of the discussion, Chairman Cory stated that since the temporary solution of the emergency permit would subject Mrs. Peck to serious financial exposure, it is essential that the Commission defer acting on this matter until a title investigation and a preliminary implied dedication investigation have been made.

The Commission, therefore, unanimously deferred acting on this item.

Attachment: Calendar Item 20

CALENDAR ITEM

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EMERGENCY PERMIT FOR INSTALLATION OF BOAT
DOCKING FACILITIES IN ORDER TO CONTROL
LEVEE EROSION AND DAMAGE TO RIPARIAN
VEGETATION, STEAMBOAT SLOUGH, SACRAMENTO COUNTY

Applicant: Lucille Peck
Route 1, Box 110
Courland, California 95615

BACKGROUND: Applicant has expressed a desire to secure a lease from the State Lands Commission for the installation of docks and mooring facilities on a portion of State land in the bed of Steamboat Slough adjacent to her upland property. This area of Steamboat Slough has been used in the past by many sailboaters as a mooring point during the summer months. Applicant states that the customary method used by the sailboaters to moor their vessels is to tie up to existing vegetation and exit the vessels through the riparian vegetation across the existing levee. This type of activity is causing the removal of native vegetation and the undermining and erosion of the existing levee to a point where there exists a real threat to the integrity of the existing levee. Applicant proposes to install floating docks, mooring buoys and access stairways at selected locations along applicant's upland and to provide waste removal.

CURRENT SITUATION:

Sail boaters have started to arrive and moor at this location. These boaters are unwilling to stop what has become the customary method of mooring at this location even when requested to do so by the upland owner. Local law enforcement officials cannot prohibit the boaters' actions because applicant has no control over adjoining State land nor are there enforceable laws prohibiting the boaters' activities. Applicant has requested emergency permission from the State Lands Commission to begin installation of temporary mooring facilities pending

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the completion of negotiation for a lease from the Commission covering permanent facilities. The applicant and staff feels that this emergency action is necessary in order to stop the present damage being caused by the sailboaters to the riparian vegetation and subsequently to the levee embankment. Rental will accrue from the date of actual occupancy.

EXHIBIT: A. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN EIR HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH REPORT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21172, 14 CAL. ADM. CODE 15071 AND 2 CAL. ADM. CODE 2905(a).
2. FIND THAT GRANTING OF THE PERMIT WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1, OF THE PUBLIC RESOURCES CODE.
3. AUTHORIZE THE ISSUANCE TO LUCILLE PECK OF AN EMERGENCY LETTER PERMIT TO INSTALL TEMPORARY MOORING FACILITIES ALONG A PORTION OF STEAMBOAT SLOUGH, SACRAMENTO COUNTY ADJOINING HER UPLAND PENDING THE COMPLETION OF NEGOTIATIONS OF A LEASE. THE EMERGENCY PERMIT TO BE FOR A PERIOD NOT TO EXCEED 6 MONTHS FROM THE DATE OF ISSUANCE. RENTAL SHALL ACCRUE FROM THE DATE OF ACTUAL OCCUPANCY.

