

MINUTE ITEM

This Calendar Item No. 25
was approved as Minute Item
No. 25 by the State Lands
Commission by a vote of 3
to 0 at its 9/23/82
meeting.

CALENDAR ITEM

25

9/23/82
WP 5275
W 21346
A. Scott
Hadly
PRC 5275

TERMINATION OF GENERAL PERMIT - RECREATIONAL USE
AND REPLACEMENT BY PUBLIC AGENCY PERMIT

BACKGROUND:

In April 1977, the State Lands Commission approved the issuance of a General Permit - Recreational Use to Bouldin Island Farming Company, Inc., covering a boat dock and walkway located in the Mokelumne River, adjacent to Bouldin Island, San Joaquin County.

The annual rental required for this General Permit was \$70. Following the normal process, Bouldin Island Farming Company was invoiced for the annual rent of \$70. No payment was received. Bouldin Island Farming Company was then advised of the rent due, including penalty and interest. Again, in 1979 and in 1980, Bouldin Island Farming Company failed to make the annual rent payment. Various attempts were made by the staff of the Commission to collect the back rent, including penalty and interest for those years when Bouldin Island Farming Company failed to make annual rent payments. The current rent owed by Bouldin Island pursuant to the existing General Permit - Recreational Use, including penalty and interest, is

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\$385.42. Bouldin Island Farming Company has formally issued a license for the use of the existing dock facilities to Reclamation District No. 756. The attorney representing the Reclamation District has requested that the Commission terminate the existing General Permit - Recreational Use, to Bouldin Island Farming Company and issue a Public Agency Permit to the District for the operation and maintenance of these docking facilities because those facilities had always been used by the District for docking of an inspection boat. The back rent owed should be waived because this facility should have been covered by a Public Agency Permit initially.

CURRENT SITUATION:

To satisfy the request of Bouldin Island Farming Company to terminate the existing General Permit and replace it with a Public Agency Permit issued to the Reclamation District, staff began the normal process which would ultimately lead to the issuance of a Public Agency Permit. As such, staff submitted to the representative of the Reclamation District the Commission's standard application form and requested from the District a \$25 filing fee and \$450 processing fee.

The attorney representing the Reclamation District strongly objected to having his client pay either the filing fee or the processing fee. Staff believes that because there is an existing file on this matter, the filing fee can legitimately be waived in this case if the Commission desires to do so; however, staff does not feel that there is any justification for waiving the \$450 processing fee. The attorney for the Reclamation District believes that the processing fee should be waived because the existing dock is, in fact, used for Reclamation purposes, that the staff failed in the initial contact to mention the processing fee, and that a processing fee had already been paid for the issuance of the General Permit - Recreational Use.

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Staff does not agree that the processing fee was never mentioned. Furthermore, no processing fee was ever paid by Bouldin Island Farming for the processing of the General Permit - Recreational Use. Processing fees are not normally collected for processing income-producing leases. When the attorneys for the Reclamation District requested application forms from the Commission staff to formally request the conversion of the General Permit - Recreational Use to a Public Agency Permit, staff, in its letter of transmittal, which enclosed the Commission's standard application forms, specifically stated that the \$25 filing fee and processing fee of \$450 would be required. Staff believes that sufficient notice was given to the attorneys representing the Reclamation District that a \$450 processing fee was, in fact, required for the processing of such Public Agency Permit.

The conversion of the existing Permit to a Public Agency Permit will not have a significant effect on the environment because the facilities currently exist, and no change in their use is provided for in the new permit.

The existing facilities are situated on lands identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in use category Class "B" which authorizes Limited Use. The existing facilities will not have a significant effect upon the identified environmental values.

AB 884: 6/26/83.

EXHIBITS: A. Land Description.
B. Site Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL DOCUMENT HAS NOT BEEN PREPARED FOR THIS ACTIVITY AS SUCH DOCUMENT IS NOT REQUIRED UNDER THE PROVISIONS OF P.R.C. 21065 AND 14 CAL. ADM. CODE 15037 AND 15060; AND FIND THAT THE EXISTING PROJECT IS CONSISTENT WITH THE LAND'S CLASSIFICATION.

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2. WAIVE THE \$25 FILING FEE BECAUSE A FILE COVERING THIS FACILITY ALREADY EXISTS AND A FILING FEE WAS PREVIOUSLY PAID.
3. AUTHORIZE THE ACCEPTANCE AND RECORDATION OF A QUITCLAIM DEED FROM BOULDIW ISLAND FARMING COMPANY, INC., COVERING EXISTING GENERAL PERMIT - RECREATIONAL USE, PRC 5275.1; AND WAIVE ALL BACK RENT INCLUDING PENALTY AND INTEREST.
4. AUTHORIZE THE ISSUANCE OF A PUBLIC AGENCY PERMIT, COVERING AN EXISTING DOCK ADJACENT TO BOULDIN ISLAND, FOR A TERM OF 20 YEARS TO RECLAMATION DISTRICT NO. 756; EFFECTIVE UPON TERMINATION OF THE GENERAL PERMIT RECREATIONAL USE UTILIZING THE COMMISSION'S STANDARD LEASE FORM.
5. REQUIRE THE PAYMENT OF A \$450 PROCESSING FEE BEFORE ISSUANCE OF SAID PUBLIC AGENCY PERMIT.

EXHIBIT "A"

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A parcel of tide and submerged land in the bed of the South Fork of Mokelumne River, San Joaquin County, California, said parcel being immediately beneath and extending 10 feet on all sides of an existing floating dock and walkway, said floating dock and walkway being adjacent to and easterly of that land described as Parcel One in the Corporation Grant Deed recorded January 30, 1976, in Book 4078, page 509, San Joaquin County Records.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the south fork of Mokelumne River.

END OF DESCRIPTION

Prepared *M. P. Rah* Checked *R. K. H. H.*
Reviewed *G. J. J. J. J. J.* Date *2/22/77*
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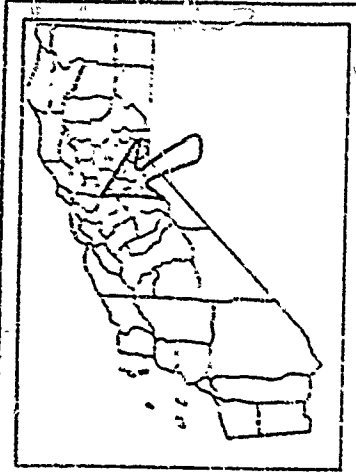
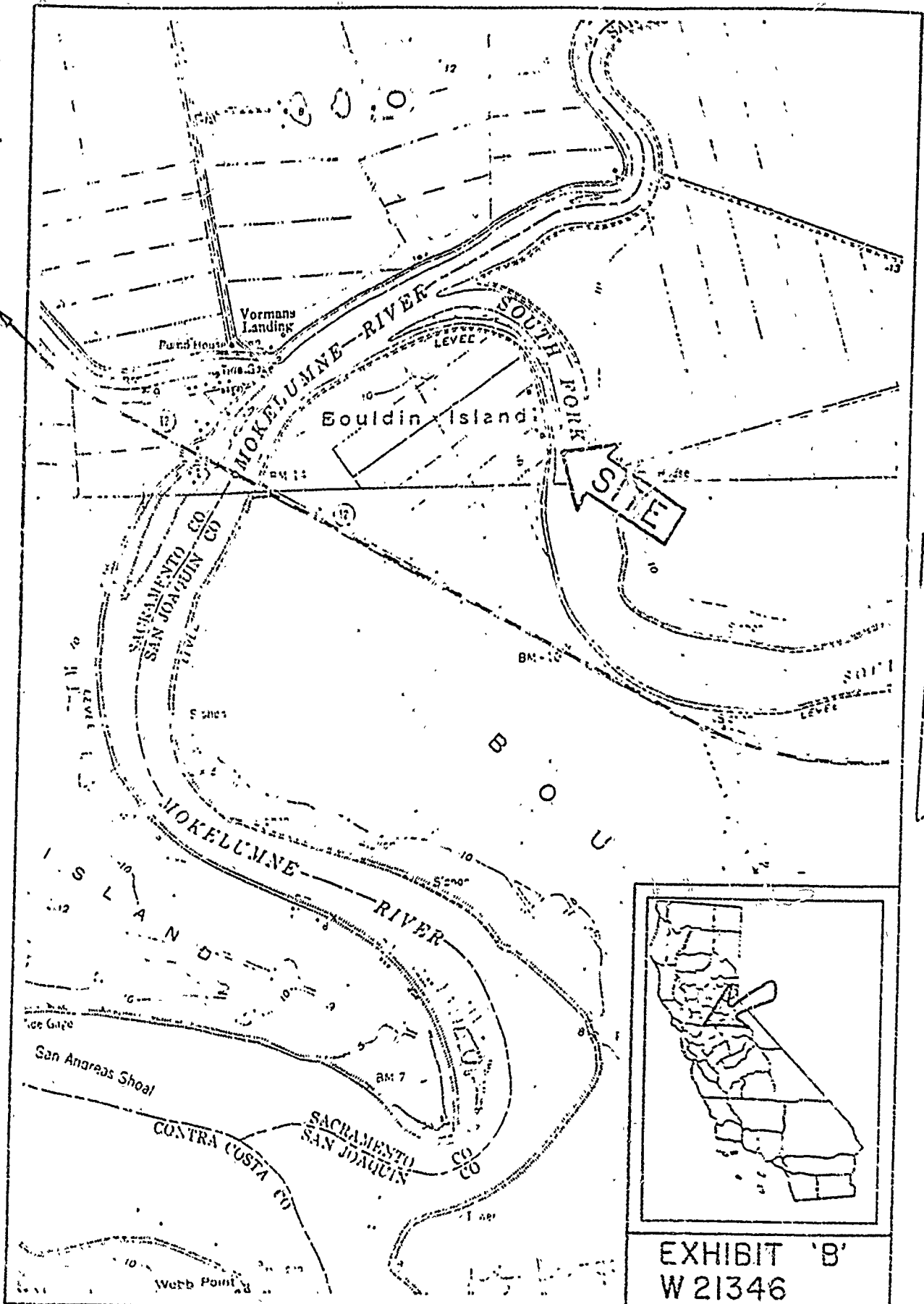


EXHIBIT 'B'
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