

MINUTE ITEM
This Calendar Item No. 14
was approved as Minute Item
No. 14 by the State Lands
Commission by a vote of 3
to 0 at its 8-20-87
meeting.

CALENDAR ITEM

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08/20/87
WP 5346
Maricle

DENY APPLICATION FOR A NEW LEASE FOR THE CONTINUED USE
OF SOVEREIGN LANDS FOR RESIDENTIAL PURPOSES, AND
CONSIDERATION OF A DEMAND TO REQUIRE FORMER PERMITTEE
TO CLEAR SOVEREIGN LANDS OF ALL IMPROVEMENTS

APPLICANT: Mr. Robert Shamblin
8218 West Ashlan
Fresno, California 93722

FORMER PERMITTEE: Don C. and Judith M. Hays
14901 West California
Kerman, California 93630

AREA, TYPE LAND AND LOCATION:
9,000 square foot use area on a berm near Grand
Island, Sacramento River, Sacramento County.

HOLDOVER LAND USE: Existing wood cabin, brick barbecue,
concrete block outbuilding, and chain link
fencing.

TERMS OF EXPIRED PERMIT:
Initial period: Ten years beginning June 1,
1977, through June 30, 1987.
Surety bond: \$1,000.
Public liability insurance: Combined single
limit coverage of \$100,000.
Consideration: \$540 per annum; five-year
rent review.

AB 884: N/A.

OTHER PERTINENT INFORMATION:

1. Permit PRC 5346 was issued to Louis R. and Janette Biachetti, and Cornelius C. and Elma R. Crawford. It was assigned twice thereafter; the second assignment to Don C. and Judith M. Hays, under the authority in Minute Item 3, on November 29, 1982. The permit had a scheduled expiration date of June 30, 1987. The improvements on the property were reportedly constructed about 1958.
2. Prior to permit expiration, the Permittee notified the staff, under letter of July 28, 1986, of his intent to discontinue the use of State property, as of the date of notice. By letter, dated August 14, 1986, staff advised the Permittee of site clearance requirements in the lease agreement, and of the necessity to pay all back rent owed at that time.
3. On October 27, 1986, another party, Mr. Robert Shamblin (current applicant) applied for the use of the 9,000 square foot site. During review, the inquiry arose whether the continued, seasonal residential use of State property conflicted with the Public Trust, and whether any new permit should include time limits on the time period within which such use would be allowed.
4. The site was inspected by staff on May 15, 1987. At that time, erosion at the cabin location was evident, rendering it unsanitary and in generally poor condition. There are no approved sewage facilities and site maintenance is poor.
5. Staff believes that continued use of the site for occasional residential use is not in the public interest, and that the application of Robert Shamblin should be denied.

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6. The terms of the permit PRC 5346, provide that the State may accept or decline the improvements located on sovereign lands, at permit termination, and that the Permittee has the duty to remove them if they are declined. The permit further provides that the site should be restored, as nearly as possible, to the condition existing prior to the placement of improvements thereon. The staff believes that improvement removal and site restorations are in the public interest, and that it should be required of the former Permittee, pursuant to paragraph No. 28 of the standard covenants in the permit agreement.

7. As to the denial of the project, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a statutory exempt project. The project is exempt because CEQA does not apply to projects which a public agency rejects or disapproves.

Authority: P.R.C. 21080(b)(5) and 14 Cal Adm. Code 15270

8. As to the removal of the existing facilities, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 1, Existing Facility (demolition and removal of individual small structure), 14 Cal. Adm. Code 15301(1).

Authority: P.R.C. 21084 and 14 Cal. Adm. Code 15300

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APPROVALS OBTAINED:

None.

FURTHER APPROVALS REQUIRED:

None.

EXHIBITS:

- A. Land Description.
- B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE DENIAL OF THE PROJECT, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15601 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 21080 (b)(5) AND 14 CAL. ADM. CODE 15270, PROJECTS WHICH A PUBLIC AGENCY REJECTS OR DISAPPROVES.
2. AS TO THE REMOVAL OF THE EXISTING FACILITIES, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES (DEMOLITION AND REMOVAL OF INDIVIDUAL SMALL STRUCTURE) 14 CAL. ADM. CODE 15301(1).
3. DENY THE APPLICATION OF MR. ROBERT SHAMBLIN FOR A PERMIT TO CONTINUE THE USE OF SOVEREIGN LAND FOR RESIDENTIAL PURPOSES.
4. DECLINE TO ACCEPT THE IMPROVEMENTS LOCATED ON THE LANDS DESCRIBED IN EXPIRED PERMIT PRC 5346.
5. REQUIRE THAT THE FORMER PERMITTEE, DON C. AND JUDITH M. HAYS, REMOVE ALL IMPROVEMENTS FROM THE LAND DESCRIBED IN EXPIRED PERMIT PRC 5346, PURSUANT TO PARAGRAPH NO. 28 IN THE STANDARD COVENANTS THEREOF, AND TO RESTORE SAID LAND AS NEARLY AS POSSIBLE TO THE CONDITION EXISTING PRIOR TO THE PLACEMENT OF IMPROVEMENTS THEREUPON.

EXHIBIT "A"

PRC 5346

A parcel of land in the Sacramento River, situated in T4N, R3E, MDM, Sacramento County, California, said parcel being easterly of the confluence of the Sacramento River, Cache Slough and Steamboat Slough, more particularly described as follows:

The most easterly of two islands situated along the right bank of the Sacramento River, approximately 3200 feet distant easterly of the most westerly point of Grand Island as shown on Quadrangle Map "Rio Vista, California 1953."

END OF DESCRIPTION

Prepared D. H. Gurneecke Checked _____
Reviewed M. L. Deane Date 4-20-77
DJS

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OMEGA PAGE	2567

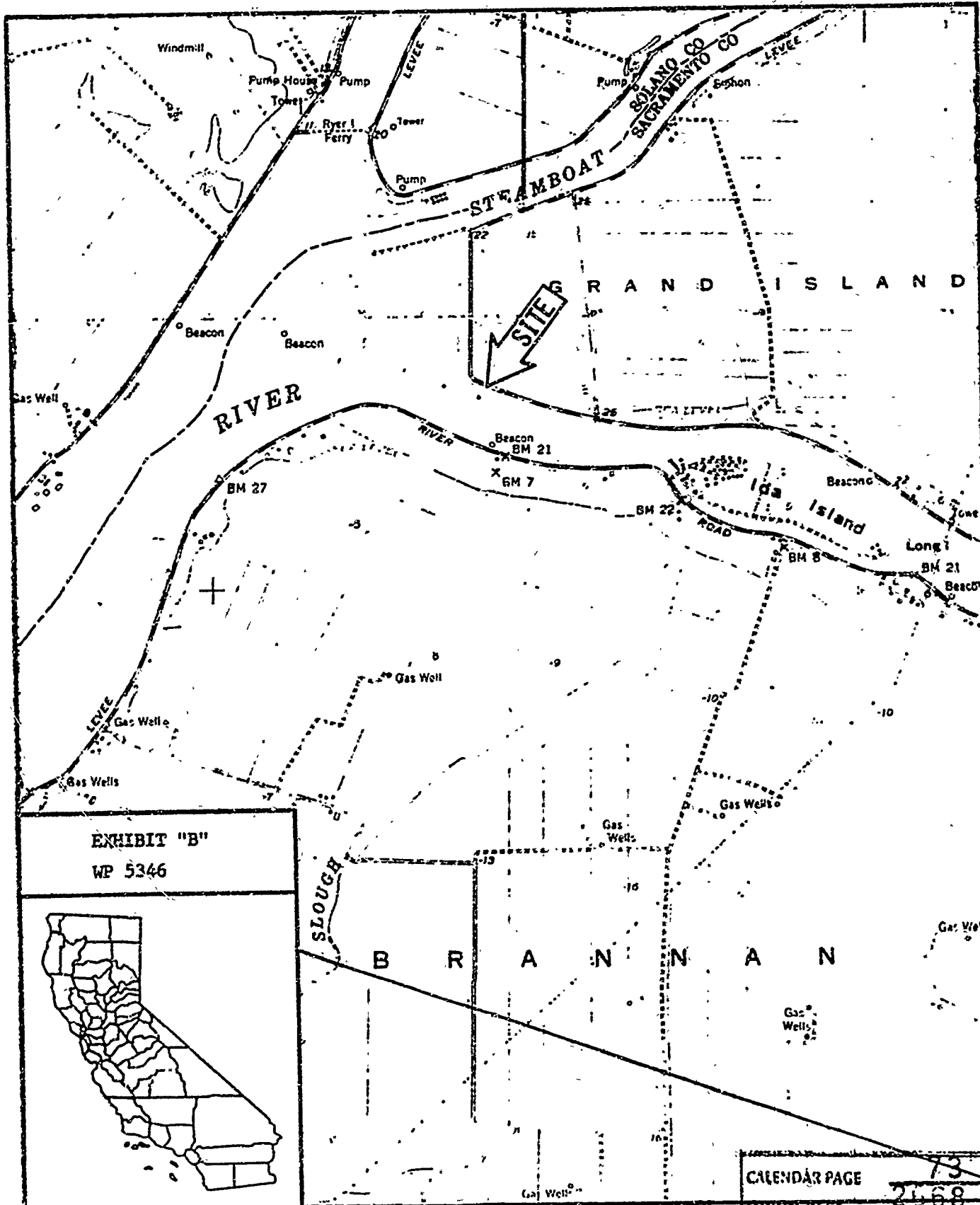


EXHIBIT "B"
WP 5346



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