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CALENDAR ITEM

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PRC 7172  
Simmons

TERMINATION OF GENERAL PERMIT - PROTECTIVE STRUCTURE

PERMITTEE:

Maverick Properties, Inc.  
2817 Garden Highway  
Sacramento, California 95833

AREA, TYPE LAND AND LOCATION:

A 0.124-acre parcel of tide and submerged lands, Sacramento River at Mile 61.55, Sacramento County.

LAND USE:

Permit authorized placement of clean, concrete rubble along eroded bank.

TERMS OF ORIGINAL PERMIT:

Initial period:

Ten (10) years beginning March 1, 1988. Permit required bank protection to be in place by March 1, 1990.

CONSIDERATION:

The public use and benefit; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

AB 884:  
N/A

**OTHER PERTINENT INFORMATION:**

1. This protective structure permit was issued by the Commission in 1988 and authorized the Permittee to uniformly place rock and clean, broken concrete along the existing bank to protect against erosion.
2. In May 1989, both the Commission and the United States Army Corps of Engineers ordered the Permittee to cease operations upon determining, as a result of separate investigations, that fill material, including pipes, asphalt, rebar, tile, and other building materials, were being dumped into the Sacramento River. The State Lands Commission further reviewed its boundary location along the subject parcel and determined that a greater portion of the site than had been represented at the time of permit issuance was sovereign lands.
3. The original permittee proposed six condominium units but no longer owns the parcel. Subsequently, however, other developers have approached Commission staff with alternative proposals for condominium uses. The current proposal is a four-condominium project with a 30-foot-high vertical wall allegedly landward of the boundary between public and private property. However, it will be necessary to riprap at the base of the proposed wall to protect it from having undetermined by the river. Staff has consistently taken the position that, as the wall and accompanying bank protection is essential to the creation of buildable lots for residential use of this site and, as residential use is inconsistent with the public trust, such improvements are not appropriate on State land.
4. Pursuant to Section 4, Paragraphs 4(a), (c), (1), (2), (d), 11(a)(3) of the lease, it is appropriate for the Commission to rescind the authorization provided thereunder for noncompliance with lease terms.

EXHIBITS:

- A. Land Description
- B. Location Map

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15378.
2. TERMINATE, FOR NONCOMPLIANCE WITH THE TERM AND CONDITIONS OF SAID PERMIT, A TEN-YEAR GENERAL PERMIT - PROTECTIVE STRUCTURE ISSUED TO MAVERICK PROPERTIES IN MARCH 1988.

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EXHIBIT "A"

PRC 7172.9

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of the Sacramento River, Sacramento County, California, described as follows:

All that tide and submerged land lying immediately beneath riprap placed for bank protection adjacent to and waterward of the south line of Lot F of "Swallows Nest Subdivision - Unit No. 1", filed for record in Book 131 of Maps, Map No. 2, Sacramento County Official Records.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark.

END OF DESCRIPTION

REVISED APRIL 27, 1992 BY LLB.

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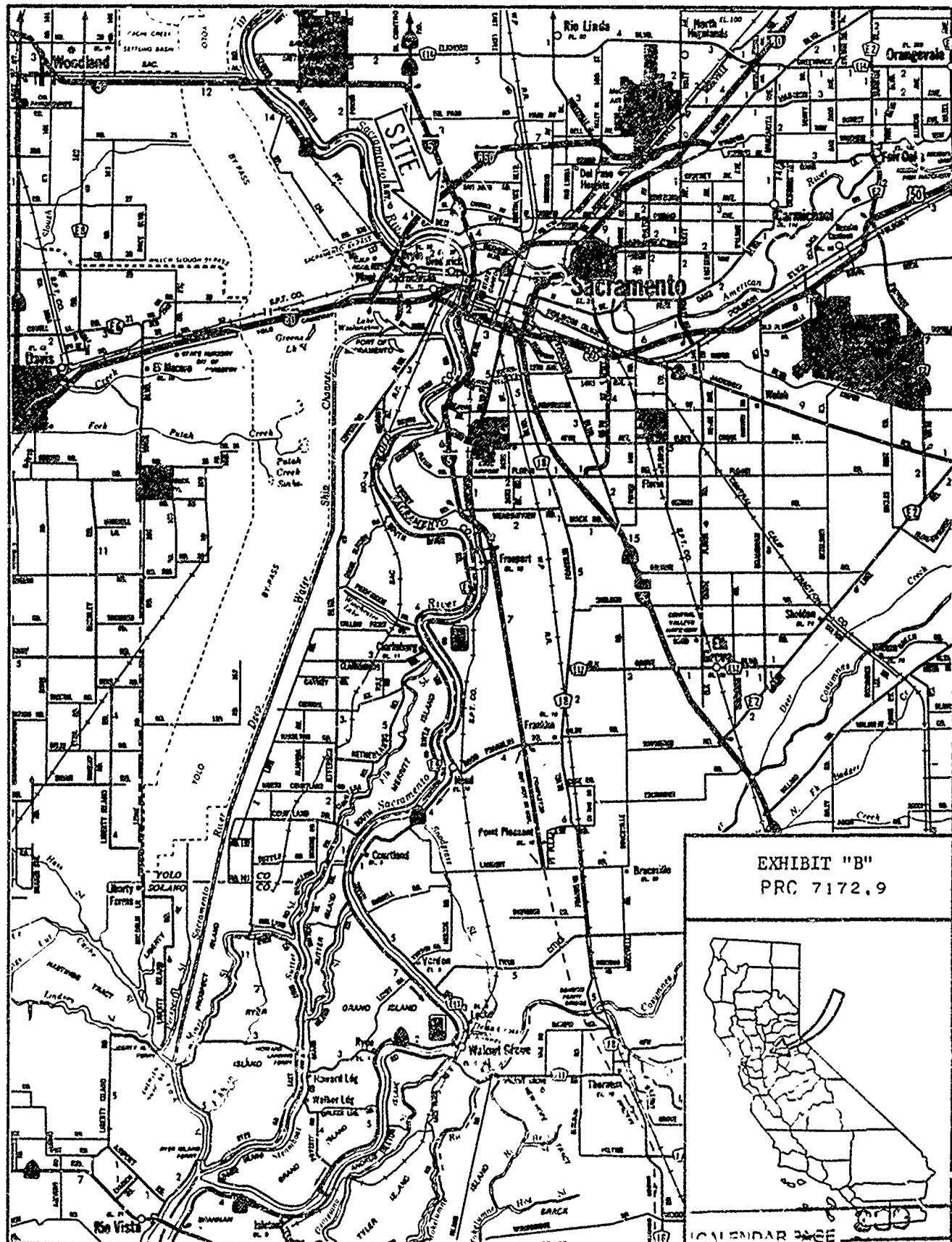


EXHIBIT "B"  
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