

**CALENDAR ITEM
C25**

A 8
S 5

03/25/08
PRC 519.1
V. Caldwell
J. Frey

CONSIDER AUTHORIZATION OF LITIGATION FOR TRESPASS AND EJECTMENT

PARTIES:

William J. Barker and Carol L. Barker

AREA, LAND TYPE, AND LOCATION:

0.357 acres, more or less, of Sovereign lands in the Sacramento River, near the city of West Sacramento, Yolo County.

ORIGINAL AUTHORIZED USE:

Use and maintenance of a pier and pilings.

CURRENT AUTHORIZED USE:

None.

BACKGROUND INFORMATION:

In May 1950, the Commission received an application from the Time Oil Company, the littoral property owner at the time, requesting authorization to construct, use and maintain a loading wharf and two mooring dolphins on sovereign lands in the Sacramento River. The application was approved, a commercial lease issued and the improvements were constructed.

Time Oil continued its use of the lease premises until the lease expired in 1975. The littoral property was then sold to various individuals over the years. The littoral property was subsequently purchased by Lawrence and Shirley McKinney and the Commission approved the issuance of a 20-year General Permit – Recreational Use to the McKinney’s for the improvements. Prior to the lease expiring on December 30, 1999, William J. Barker and Carol L. Barker (Parties/Barker’s) purchased the upland property from the McKinney’s on March 31, 1998.

OTHER PERTINENT INFORMATION:

1. The Parties own the littoral property identified as Assessors Parcel

CALENDAR ITEM NO. **C25** (CONT'D)

No. 046-040-08-1 that adjoins the State's sovereign land in the Sacramento River.

2. In 1997, the Barkers purchased an 85-foot 100-ton paddlewheel riverboat formerly known as the "Spirit of Sacramento". Since the purchase of the riverboat, the Barkers have continuously and without Commission authorization moored the riverboat to the pier.
3. In 1998, staff became aware that the littoral property had been sold to the Barker's and the first letter was sent to the Barker's advising them of their need to obtain a new lease for the use of State sovereign land for the pier and pilings. Since that time, staff has sent numerous letters to the Barkers. However, the Barkers have not responded to any of staff's letters and they continue to occupy the State's sovereign land in trespass.
4. Since January 2006, several articles have been published in the Sacramento Bee regarding the poor condition of the Spirit of Sacramento and the threat it poses to the public's safety and navigation. The most recent article was published on October 31, 2007. The article included a photograph of the riverboat, which was partially submerged and tied with warped cables to the pier and gangway and appeared to be ready to break loose from its mooring. On November 3, 2007, Commission staff conducted a site inspection to verify the condition of the riverboat and the pier structure. The pier structure was found to be in a poor and derelict condition and the riverboat was partially sunk and listing at a 45 degree angle. On November 17, 2007, after five days of work, the riverboat was raised from its partially submerged state.
5. On December 5, 2007, staff notified the Barkers that they were in trespass and that the derelict condition of the pier and the Spirit of Sacramento posed a nuisance and safety hazard to the public and must be immediately removed from the State's property. The Barkers were given until December 14, 2007 to respond. Staff conducted a second site inspection on December 13, 2007 and found that the riverboat had been raised. The Barkers have not responded to the December 14th deadline. Therefore, because of the poor condition of the pier and the riverboat's potential for sinking and/or breaking loose from its mooring and becoming a navigation and public safety hazard, staff is recommending that the Commission authorize staff of the Commission and the Office of the Attorney General to commence litigation for trespass, damages, and

CALENDAR ITEM NO. **C25** (CONT'D)

ejection, and seek reimbursement for costs expended, and take all other steps as necessary to remove the pier and the Spirit of Sacramento from the State's sovereign land and to have the bed of the Sacramento River restored to its condition prior to the placement of the pier and riverboat.

6. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of the CEQA under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

7. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBITS:

- A. Site and Location Map
- B. Land Description
- C. Copies of Letters to the Barkers

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

CALENDAR ITEM NO. **C25** (CONT'D)

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

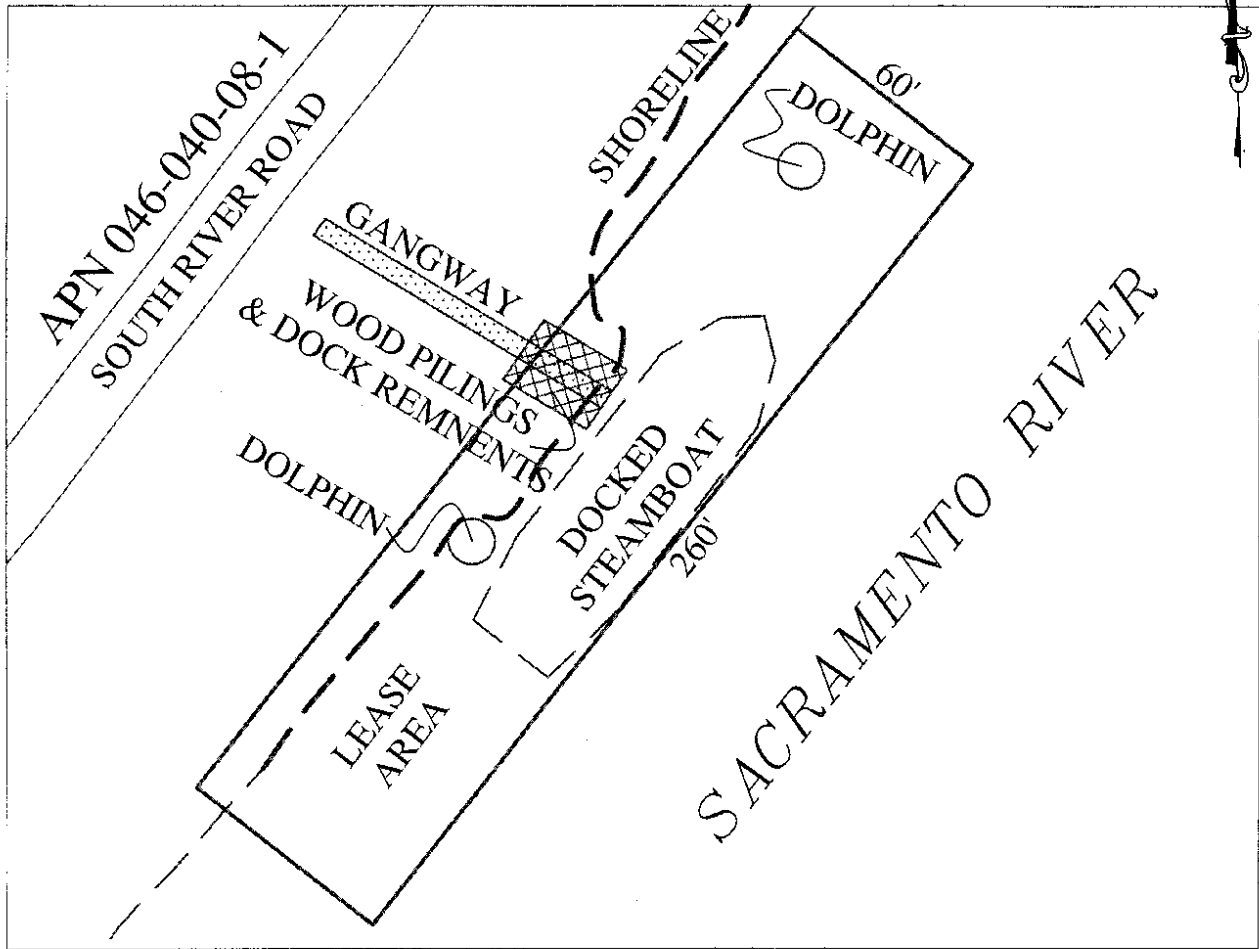
AUTHORIZATION:

1. RATIFY STAFF'S FINDING THAT WILLIAM J. BARKER AND CAROL L. BARKER ARE IN TRESPASS ON STATE-OWNED SOVEREIGN LAND LOCATED IN THE SACRAMENTO RIVER AS DEPICTED ON THE ATTACHED EXHIBIT A AND AS DESCRIBED IN THE ATTACHED EXHIBIT B.

2. AUTHORIZE STAFF OF THE STATE LANDS COMMISSION AND THE OFFICE OF THE ATTORNEY GENERAL TO TAKE ALL STEPS NECESSARY, INCLUDING LITIGATION, TO EJECT WILLIAM J. BARKER AND CAROL L. BARKER, TO REMOVE THE RIVERBOAT KNOWN AS THE SPIRIT OF SACRAMENTO, THE PIER AND PILINGS AND ALL OTHER IMPROVEMENTS FROM SOVEREIGN LANDS IN THE BED OF THE SACRAMENTO RIVER AS DESCRIBED IN THE ATTACHED EXHIBIT B AND ADJACENT TO ASSESSORS PARCEL NO. 046-040-08-1, YOLO COUNTY; TO RESTORE THE SOVEREIGN LANDS AT THIS LOCATION TO THEIR CONDITION PRIOR TO PLACEMENT OF THE PIER AND PILINGS AND TO RECOVER THE COMMISSION'S DAMAGES AND COSTS.

NO SCALE

SITE



South River Road, Sacramento River

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 519.1
 BARKER
 APN 046-040-08-1
 GENERAL LEASE
 RECREATIONAL USE
 YOLO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.

Exhibit C

STATE OF CALIFORNIA

GRAY DAVIS, Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1822
Contact FAX: (916) 574-1955

May 25, 1999

File Ref: PRC 519.1

William J. and Carol L. Baker
1470 Lawndale Rd.
Kenwood, CA 95452-9091

Dear Mr. and Mrs. Baker:

Subject: Recreational Pier Lease PRC 519.1 adjacent to APN 46-040-05.1
adjacent to the Sacramento River, Yolo County

Our records indicate that you are the current owners of Assessors Parcel No. 46-040-05.1 adjacent to the Sacramento River, Yolo County. This is to advise you that the existing floating boat dock, adjacent to this parcel occupy State-owned sovereign land under the jurisdiction of the Commission. You are therefore required to obtain a lease from the Commission for the use of this land. If you do not wish to continue the use of these facilities, it will be necessary for the improvements to be removed.

Enclosed is a Commission application for you to complete. Please complete all sections of the application and return it to me as soon as possible, along with a check for \$625 (Total of \$600 Minimum Expense Deposit plus \$25 Filing Fee) made payable to the California State Lands Commission. The Commission is required to recover all costs associated with processing the lease; therefore, the \$625 represents the Minimum Expense Deposit for this type of lease and the \$25 is a nonrefundable filing fee. Any monies of the \$600 not used by staff will be refunded to you. The filing fee and Minimum Expense Deposit must be submitted with the application.

Please indicate whether any changes in use have occurred and/or any changes made to the previously authorized structures. Please note that the Minimum Expense Deposit does not include any environmental costs associated with the project if it is determined, following receipt of the application completed by you, that those costs would be invoiced.

Exhibit C

William and Carol Baker
May 25, 1999
Page 2

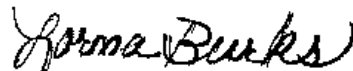
In addition to the above, we will also need the following:

1. Recent photographs of the floating dock, along with views upstream and downstream from the facilities and a view from the facility to the upland so that the entire bank of the upland in your ownership is visible.
2. A copy of the current vesting document (Deed) for the property lying landward of and adjacent to the State lands
3. A drawing to scale showing the proposed tour boat operation.
4. A detailed description of the tour boat operation (i.e., proposed use, zoning, parking, public access, traffic, etc.). What will be the capacity of the tour boat, how will it be powered, how will it be anchored? What will be the operating hours? Will it be permanently docked at this location, what other stops will there be?

You will also be provided a Reimbursement Agreement, to be submitted to you under separate cover once it has been determined if environmental fees will be involved.

If you have any questions, please call me at 916-574-1822.

Sincerely,



Loma Burks
Public Land Management
Specialist

Exhibit C

STATE OF CALIFORNIA

GRAY DAVIS, Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1822
Contact FAX: (916) 574-1955

November 23, 1999

File Ref: WP 519.1

William and Carol Baker
1470 Lawndale Road
Kenwood, CA 95452-9091

Dear Mr. and Mrs. Baker:

SUBJECT: Application for continued use of an existing boat dock located in the Sacramento River, Yolo County

This is a follow up to my May 25, 1999 (attached) and August 30, 1999 (attached) letter requesting a new application for the subject facility. To date, no application has been received.

If you do not wish to continue the use of this facility, you will need to remove all structures located within the waterway and submit a detailed description and photographs showing evidence of their removal.

You will need to submit all items requested in my original May 25th letter as soon as possible, as effective March 31, 1998, the date you took possession of the property, your facility has been in trespass.

If you need clarification regarding our application process, you may contact me at (916) 574-1822.

Sincerely,

LORNA BURKS
Public Land Management Specialist

Enclosures

Exhibit C

STATE OF CALIFORNIA

GRAY DAVIS, *Governor*

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1822
Contact FAX: (916) 574-1955

February 8, 2000

File Ref: WP 519.1

William and Carol Baker
1470 Lawndale Road
Kenwood, CA 95452-9091

Dear Mr. and Mrs. Baker:

SUBJECT: Application for continued use of an existing boat dock located in the Sacramento River, Yolo County

This is a follow up to my November 23, 1999, letter requesting a new application for the above facility. To date, no application has been received.

This facility continues to remain in trespass as of March 31, 1998, the date in which you took possession of the property. Still needed are all items requested in my original May 25, 1999, letter.

In a telephone message from you on March 30, 1998, it indicated that this lease may change use during the year. Please call me at (916) 574-1822 so that we can discuss the current use of this facility and the processing of your application.

Sincerely,

LORNA BURKS
Public Land Management Specialist

Exhibit C

STATE OF CALIFORNIA

GRAY DAVIS, *Governor*

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1822
Contact FAX: (916) 574-1955

June 20, 2000

File Ref: WP 519.1

William and Carol Baker
1470 Lawndale Road
Kenwood, CA 95452-9091

Dear Mr. and Mrs. Baker:

SUBJECT: Application for continued use of an existing boat dock located in the Sacramento River, city of West Sacramento, Yolo County

This is a follow up to my February 8, 2000, letter requesting a new lease for the above facility. To date, no application has been received.

This facility continues to remain in trespass as of March 31, 1998, the date in which you took possession of the property. Still needed are all items requested in my original May 25, 1999 letter.

Will you please contact me at (916) 574-1822 regarding the status of your application.

Sincerely,

ORIGINAL SIGNED BY

LORNA BURKS
Public Land Management Specialist

Exhibit C

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1822
Contact FAX: (916) 574-1955

December 4, 2003

File Ref: WP 519.1

William Barker
1669 Cota Avenue
Long Beach, CA 90813

Dear Mr. Barker:

SUBJECT: Application for continued use of an existing floating dock located in the Sacramento River, city of West Sacramento, Yolo County

This is a follow up to my September 22, 2003, letter requesting an application be completed to obtain a new lease for the subject facility. To date, no application has been received.

You will need to submit all items requested in my original September 22nd letter as soon as possible, as effective March 31, 1998, the date you took possession of the property, this facility has been in trespass.

If you need any assistance in completing the application, please contact me at (916) 574-1822.

Sincerely,

ORIGINAL SIGNED BY

LORNA BURKS
Public Land Management Specialist

Exhibit C

STATE OF CALIFORNIA

GRAY DAVIS, Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1822
Contact FAX: (916) 574-1955

September 22, 2003

File Ref: WP 519.1

William Barker (562) 505-5617
1669 Cota Avenue called 5/5/04 - no answer
Long Beach, CA 90813

Dear Mr. Barker:

SUBJECT: Application for continued use of an existing floating dock located in the Sacramento River, city of West Sacramento, Yolo County

Enclosed is a Commission application for you to complete to obtain a new lease. Please complete all sections of the application and return it to me as soon as possible, along with a check for \$1,025 made payable to the State Lands Commission. The Commission is required to recover all costs associated with processing the lease; therefore, the \$1,000 represents the Minimum Expense Deposit for this type of lease and the \$25 is a nonrefundable filing fee. Any monies of the \$1,000 not used by staff will be refunded to you after Commission authorization.

Please indicate whether any changes in use have occurred and/or any changes have been made to the previously authorized structures.

In addition to the above, we will also need the following:

1. Recent photographs of the floating dock, along with views upstream and downstream from the facility, and a view from the facility to the upland so that the entire bank of the upland is visible.
2. A copy of the current vesting document (deed) for the property lying landward of and adjacent to the State lands you seek to use. If you are not the owner of this adjacent property, you should also submit a copy of a lease, permit, or other evidence of your right to use this property.

Exhibit C

William Barker
September 22, 2003
Page 2

3. Enclosed is a drawing that was prepared for the existing wharf and dolphins back in the 1950's. Unfortunately, it does not show the dimensions. Would you please provide me with a current scaled drawing of the wharf and dolphins, depicting the exact dimensions of the wharf and the distance between the two dolphins.
4. The last site inspection that was done by our appraiser in April, 1984 indicated that the parcel was occupied by two tie-up dolphins and an unloading dock that was previously used for carrying petroleum products to a tank farm located on the upland. The tank farm is no longer on the upland and the present dock is used for recreational use only. The dock is in very poor condition and portions of the dock have been burned. You will need to provide a detailed description, **in writing**, of your proposed repair plan of the wharf. As part of this plan, please provide proposed timelines for completing the repairs.

Pursuant to Public Resources Code Sections 6503.5, this floating dock does not qualify for "rent-free" status because there is not a single family dwelling located on the upland parcel adjacent to the dock. Therefore, there will be an annual rent for the use of the floating dock.

Upon receipt and review of the above information, staff will determine whether your application is complete.

Please contact me at (916) 574-1822 if you need clarification on any of the above.

Sincerely,

ORIGINAL SIGNED BY

LORNA BURKS
Public Land Management Specialist

Enclosures: Application
Drawing

Exhibit C

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1822
Contact FAX: (916) 574-1955

May 5, 2004

File Ref: WP 519.1

William and Carol Barker
1470 Lawndale Road
Kenwood, CA 95452

Dear Mr. and Mrs. Barker:

SUBJECT: Application for continued use and maintenance of an existing wharf and dolphins located in the Sacramento River, city of West Sacramento, Yolo County

On September 22, 2003, I sent you an application package to obtain a new lease for the above structures. To date, no application has been received. I have tried to contact you at various telephone numbers noted in the file, but have been unsuccessful in reaching anyone.

Enclosed is another application package for you to complete. Please complete all sections of the application and return it to me, along with a check for \$1,025 (Total of \$1,000 Minimum Expense Deposit plus \$25 filing fee) made payable to the State Lands Commission. The Commission is required to recover all costs associated with processing the lease; therefore, the \$1,000 represents the Minimum Expense Deposit for this type of lease and the \$25 is a nonrefundable filing fee. Any monies of the \$1,000 not used by staff will be refunded to you. The filing fee and Minimum Expense Deposit must be submitted with the application.

Please indicate whether any changes in use have occurred and/or any changes have been made to the previously authorized structures.

In addition to the above, you will need to submit the following:

1. Recent photographs of the wharf, along with views upstream and downstream from the facilities and a view from the facility to the upland so that the entire bank of the upland in your ownership is visible.

Exhibit C

William and Carol Barker
WP 519.1
May 5, 2004
Page 2

2. A copy of the current vesting document (deed) for the property lying landward of and adjacent to the State lands you seek to use. If you are not the owner of this adjacent property, you should also submit a copy of a lease, permit, or other evidence of your right to use this property.
3. Enclosed is a drawing that was prepared for the existing wharf and dolphins back in the 1950's. Unfortunately, it does not show the dimensions. Would you please provide me with a current scaled drawing of the wharf and dolphins, depicting the exact dimensions of the wharf and the distance between the two dolphins.
4. The dock is in very poor condition and portions of the dock have been burned. You will need to provide a **detailed** description, in writing, of your proposed repair plan of the wharf. As part of this plan, please provide proposed timelines for completing these repairs.
5. Within the last 30 days it appears that a large vessel has been moored at the wharf. Please provide a **detailed** description, in writing, of your proposed use of this wharf.

In addition, the annual rent in the amount of \$507.42 has not been paid for the periods of December 31, 1999 through 2003, in the amount of \$2,537.10 (\$507.42 x 5). You will need to submit a check to cover these unpaid rents. As part of the lease provisions, you will also be required to provide liability insurance coverage and a surety bond, which will be determined after we have received and reviewed your application.

Please contact me at (916) 574-1822 if you need any clarification on the above requests.

Sincerely,



LORNA BURKS
Public Land Management Specialist

Enclosures

Exhibit C

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1846
Contact FAX: (916) 574-1955

January 26, 2006

File Ref: PRC 519.1

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

William J. Barker and Carol L. Barker
1975 Santa Rosa Avenue, SPC 9
Santa Rosa, CA 95407-7694

FILE COPY

Dear Mr. and Mrs. Barker:

Subject: Lease PRC 519.1, covering the pier located on the Sacramento River, Yolo County and the mooring of the vessel, the Spirit of Sacramento.

It has been brought to our attention that you are the owner of a vessel, the Spirit of Sacramento, which is moored in the vicinity of Linden Road and South River Road, West Sacramento, on the Sacramento River. We are concerned that the vessel may not be adequately moored and that the Spirit of Sacramento may pose a significant hazard to boating traffic and/or structures down river. In that regard, please contact us immediately so that we might discuss the safe mooring of the vessel.

The assessor's tax records also show that the adjoining parcel and pier to which the Spirit of Sacramento is tied is owned by you. Since the State Lands Commission has jurisdiction over the Bed of the Sacramento River, you are required to obtain a lease from the Commission for the above referenced pier and any adjoining area used to moor the Spirit of Sacramento. Until you obtain a valid lease with the California State Lands Commission, you are considered to be in trespass.

In addition to submitting an application, please provide proof that the Spirit of Sacramento is safely moored and that the vessel is not in danger of sinking. In addition we will need to see proof that you have a current liability insurance policy in effect for the vessel and pier, with a minimum limit of no less than \$2,000,000.

Please complete all sections of the enclosed application and return them to me as soon as possible, along with a check for \$3,025, made payable to the **State Lands Commission**. The Commission is required to recover all costs associated with processing the lease; therefore, the \$3,000 represents the Minimum Expense Deposit for this type of lease and the \$25 is a nonrefundable-filing fee. Any portion of the

Exhibit C

Mr. and Mrs. Barker
January 26, 2006
Page Two

Minimum Expense Deposit not used by staff will be refunded to you. The filing fee and Minimum Expense Deposit must be submitted with the application.

Please note that the processing fee does not include any environmental costs associated with the project if it is determined that those costs would be involved, after we receive the completed application.

In addition to the above, we will also need the following:

1. A detailed project description indicating the use you are proposing.
2. Recent photographs of the pier and vessel with views upstream and downstream of the site.
3. The current grant deed for the littoral (upland property) adjacent to the proposed project, or evidence that you have the right to use the upland.
4. A current drawing of your facility showing the dimensions of the pier, vessel, and location of the adjoining property lines.
5. Please submit a copy of all permits required by local, state and federal agencies for your pier or a letter or other documents from these agencies setting forth the status of your applications and any concerns the agencies have regarding your pier. Agencies usually associated with this type of structure include, but may not be limited to: U.S. Army Corps of Engineers, State Department of Fish and Game, State Reclamation Board and/or the local Reclamation District, the Yolo County Planning Department and Building Department.
6. If changes have occurred please submit copies of applications to, or approved permits from, the U.S. Army Corps of Engineers, State Department of Fish and Game, State Reclamation Board and/or the local Reclamation District, and any other application Federal and/or State agency.
7. If a commercial use is proposed for the Spirit of Sacramento, please submit two years of **independently** audited financial statements for the owner or owners of the proposed project.

You will also be provided a Reimbursement Agreement, to be submitted to you under separate cover once it has been determined if environmental fees will be involved. In addition, we are now accepting Mastercard, VISA, and Novus/Discover cards for payments including filing fees, application fees, rent, etc. If you wish to use this method of payment, please call our Accounting Office at 916-574-1886.

Exhibit C

Mr. and Mrs. Barker
January 26, 2006
Page Three

If you have any questions, please call me at 916-574-1846.

Sincerely,

ORIGINAL SIGNED BY

TIM LIPSCOMB
Public Land Management Specialist

Enclosures

Exhibit C

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, *Governor*

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, *Executive Officer*
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1846
Contact FAX: (916) 574-1955

February 22, 2006

File Ref: PRC 519.1

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

William J. Barker and Carol L. Barker
131 North Star Drive
Santa Rosa, CA 95407-7920

FILE COPY

Dear Mr. and Mrs. Barker:

Subject: Lease PRC 519.1, covering the pier located on the Sacramento River, Yolo County and the mooring of the vessel, the Spirit of Sacramento.

It has been brought to our attention that you are the owner of a vessel, the Spirit of Sacramento, which is moored in the vicinity of Linden Road and South River Road, West Sacramento, on the Sacramento River. We are concerned that the vessel may not be adequately moored and that the Spirit of Sacramento may pose a significant hazard to boating traffic and/or structures down river. In that regard, please contact us immediately so that we might discuss the safe mooring of the vessel.

The assessor's tax records also show that the adjoining parcel and pier to which the Spirit of Sacramento is tied is owned by you. Since the State Lands Commission has jurisdiction over the Bed of the Sacramento River, you are required to obtain a lease from the Commission for the above referenced pier and any adjoining area used to moor the Spirit of Sacramento. Until you obtain a valid lease with the California State Lands Commission, you are considered to be in trespass.

In addition to submitting an application, please provide proof that the Spirit of Sacramento is safely moored and that the vessel is not in danger of sinking. In addition we will need to see proof that you have a current liability insurance policy in effect for the vessel and pier, with a minimum limit of no less than \$2,000,000.

Please complete all sections of the enclosed application and return them to me as soon as possible, along with a check for \$3,025, made payable to the **State Lands Commission**. The Commission is required to recover all costs associated with processing the lease; therefore, the \$3,000 represents the Minimum Expense Deposit for this type of lease and the \$25 is a nonrefundable-filing fee. Any portion of the

Exhibit C

Mr. and Mrs. Barker
February 22, 2006
Page Two

Minimum Expense Deposit not used by staff will be refunded to you. The filing fee and Minimum Expense Deposit must be submitted with the application.

Please note that the processing fee does not include any environmental costs associated with the project if it is determined that those costs would be involved, after we receive the completed application.

In addition to the above, we will also need the following:

1. A detailed project description indicating the use you are proposing.
2. Recent photographs of the pier and vessel with views upstream and downstream of the site.
3. The current grant deed for the littoral (upland property) adjacent to the proposed project, or evidence that you have the right to use the upland.
4. A current drawing of your facility showing the dimensions of the pier, vessel, and location of the adjoining property lines.
5. Please submit a copy of all permits required by local, state and federal agencies for your pier or a letter or other documents from these agencies setting forth the status of your applications and any concerns the agencies have regarding your pier. Agencies usually associated with this type of structure include, but may not be limited to: U.S. Army Corps of Engineers, State Department of Fish and Game, State Reclamation Board and/or the local Reclamation District, the Yolo County Planning Department and Building Department.
6. If changes have occurred please submit copies of applications to, or approved permits from, the U.S. Army Corps of Engineers, State Department of Fish and Game, State Reclamation Board and/or the local Reclamation District, and any other application Federal and/or State agency.
7. If a commercial use is proposed for the Spirit of Sacramento, please submit two years of **independently** audited financial statements for the owner or owners of the proposed project.

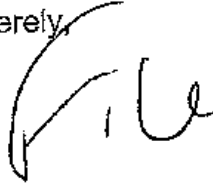
You will also be provided a Reimbursement Agreement, to be submitted to you under separate cover once it has been determined if environmental fees will be involved. In addition, we are now accepting Mastercard, VISA, and Novus/Discover cards for payments including filing fees, application fees, rent, etc. If you wish to use this method of payment, please call our Accounting Office at 916-574-1886.

Exhibit C

Mr. and Mrs. Barker
February 22, 2006
Page Three

If you have any questions, please call me at 916-574-1846.

Sincerely,



TIM LIPSCOMB
Public Land Management Specialist

Enclosures

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.	A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee <i>[Signature]</i>
1. Article Addressed to: <i>W. & Mrs. Carol Barker 131 N. Star Dr. Santa Rosa CA. 95407-7920</i>	B. Received by (Printed Name) <i>C. Barker</i> Date of Delivery <i>MAR 02 2006</i>
2. Article Number <i>(Transfer from service label)</i>	D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If YES, enter delivery address below:
PS Form 3811, August 2001	3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.
Domestic Return Receipt	4. Restricted Delivery? (Extra Fee) <input checked="" type="checkbox"/> Yes
7003 2260 0007 5865 3039	102595-02-M-1540

Exhibit C

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

CALIFORNIA STATE LANDS COMMISSION
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825-8202



PAUL D. THAYER, Executive Officer
(916) 574-1800 FAX (916) 574-1810
California Relay Service From TDD Phone 1-800-735-2922
from Voice Phone 1-800-735-2929

Contact Phone: (916) 574-1846
Contact FAX: (916) 574-1955

March 14, 2007

File Ref: PRC 519.1

William J. Barker and Carol L. Barker
1155 Linden Road
West Sacramento, CA 95691

Dear Mr. and Mrs. Barker:

Subject: Lease PRC 519.1, covering the pier located on the Sacramento River, Yolo County and the mooring of the vessel, the Spirit of Sacramento.

The California State Lands Commission (CSLC) staff has been trying to get a hold of you since August 30, 1999. All of our letters have gone unanswered. The previous letters stated that, it has been brought to our attention that you are the owner of a vessel, the Spirit of Sacramento, which is moored in the vicinity of Linden Road and South River Road, West Sacramento, on the Sacramento River. We are concerned that the vessel may not be adequately moored and that the Spirit of Sacramento may pose a significant hazard to boating traffic and/or structures down river. In that regard, please contact us immediately so that we might discuss the safe mooring of the vessel.

The assessor's tax records also show that the adjoining parcel and pier to which the Spirit of Sacramento is tied is owned by you. Since the State Lands Commission has jurisdiction over the Bed of the Sacramento River, you are required to obtain a lease from the Commission for the above referenced pier and any adjoining area used to moor the Spirit of Sacramento. Until you obtain a valid lease with the California State Lands Commission, you are considered to be in trespass.

In addition to submitting an application, please provide proof that the Spirit of Sacramento is safely moored and that the vessel is not in danger of sinking. In addition we will need to see proof that you have a current liability insurance policy in effect for the vessel and pier, with a minimum limit of no less than \$2,000,000.

Please complete all sections of the enclosed application and return them to me as soon as possible, along with a check for \$3,025, made payable to the **State Lands Commission**. The Commission is required to recover all costs associated with processing the lease; therefore, the \$3,000 represents the Minimum Expense Deposit for this type of lease and the \$25 is a nonrefundable-filing fee. Any portion of the

Exhibit C

Mr. and Mrs. Barker
March 14, 2007
Page Two

Minimum Expense Deposit not used by staff will be refunded to you. The filing fee and Minimum Expense Deposit must be submitted with the application.

Please note that the processing fee does not include any environmental costs associated with the project if it is determined that those costs would be involved, after we receive the completed application.

In addition to the above, we will also need the following:

1. A detailed project description indicating the use you are proposing.
2. Recent photographs of the pier and vessel with views upstream and downstream of the site.
3. The current grant deed for the littoral (upland property) adjacent to the proposed project, or evidence that you have the right to use the upland.
4. A current drawing of your facility showing the dimensions of the pier, vessel, and location of the adjoining property lines.
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Mr. and Mrs. Barker
March 14, 2007
Page Three

Exhibit C

If you have any questions, please call me at 916-574-1894 or you can reach me by email at caldwev@slc.ca.gov.

Sincerely,

VICKI CALDWELL
Public Land Management Specialist

Enclosures