

**CALENDAR ITEM  
C78**

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12/05/12

W26581

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P. Pelkofer

V. Caldwell

**CONSIDER AUTHORIZATION FOR THE STAFF OF THE CALIFORNIA STATE  
LANDS COMMISSION AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO  
TAKE LEGAL ACTION TO CAUSE COMPLIANCE WITH THE COMMISSION'S  
LEASING AUTHORITY; AND TO PROHIBIT PLACEMENT OF UNAUTHORIZED  
PILINGS AND STRUCTURES ON SOVEREIGN STATE LANDS IN THE  
SACRAMENTO RIVER**

**PARTIES:**

California State Lands Commission

Lee Stearns

**AREA, LAND TYPE, AND LOCATION:**

State sovereign tidelands and submerged lands in the Sacramento River and state lands adjacent to 2611 Garden Highway, Sacramento County.

**BACKGROUND:**

Mr. Lee Stearns is engaged in the business of driving pilings, building and/or repairing piers and docks in the Sacramento River in Sacramento County. He owns and maintains a barge with a crane on it and various boats and other vessels to carry out his business. These vessels are anchored or docked in the river adjacent to his residence at 2611 Garden Highway, Sacramento, CA 95823. They are occupying state sovereign land without lease or permit. Commission Staff has repeatedly requested, both in writing and by personal contact, that he apply for a lease. Mr. Stearns has refused.

Additionally he has solicited and completed work for other residents along the river, advising them that he would place piling and other structures in the river for them and that they need not obtain permits or a lease from the Commission to occupy sovereign state land. A complaint to the Contractors State Licensing Board resulted in an investigation, but because Sacramento County has no permit requirements for his activities no action was taken.

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On October 10, 2012 staff sent a final letter to Mr. Stearns advising him again that his activities were trespasses and that he required a permit or lease for both his own vessels and for any objects placed in the river for other persons. He was asked to reply within ten days or the Staff would consider his inaction a refusal and seek authority to take legal action. He has not replied or made contact.

**OTHER PERTINENT INFORMATION:**

1. Staff is requesting authority to take legal action. Any action to remove vessels or objects from sovereign state lands will be done by Court order or with further authorization of the Commission.
2. The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA under the general rule that 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: California Code of Regulations, Title 14, section 15061, subdivision (b) (3).

3. This request for legal action involves lands identified as possessing significant environmental value pursuant to Public Resources Code section 6370, et seq., but no activity other than legal action is being authorized and as such there will be no affect on those significant lands. 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 classification.

**EXHIBITS:**

- A. Land Description
- B. Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 because there is no possibility that the activity may have a significant effect on the

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

**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 Section 6370, et seq.

**AUTHORIZATION:**

Authorize the staff and/or the Office of the Attorney General to take legal action to cause compliance with the Commission's leasing authority and to prohibit placement of unauthorized pilings and structures on sovereign state lands without a permit or lease and for recovery of any costs and damages.

## EXHIBIT A

W 26581

### LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to that certain parcel labeled "Stearn" as depicted on that map filed in Book 65 of Surveys at Page 11, Sacramento County Records, located in the County of Sacramento, State of California, and being more particularly described as follows:

COMMENCING at the northeast corner of said "Stearn" parcel, said northeast corner being the northerly terminus of that certain course shown as "S16°54'20"E 120.00'" on said map; thence from said point of commencement, along the northerly line or projection thereof, of said "Stearn" parcel, West 216.62 feet to the POINT OF BEGINNING; thence from said point of beginning, along said northerly line or projection thereof, West 118.80 feet; thence leaving said line, South 16°53'14" East 203.86 feet; thence East 118.80 feet; thence North 16°53'14" West 203.86 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark on the left bank of the Sacramento River.

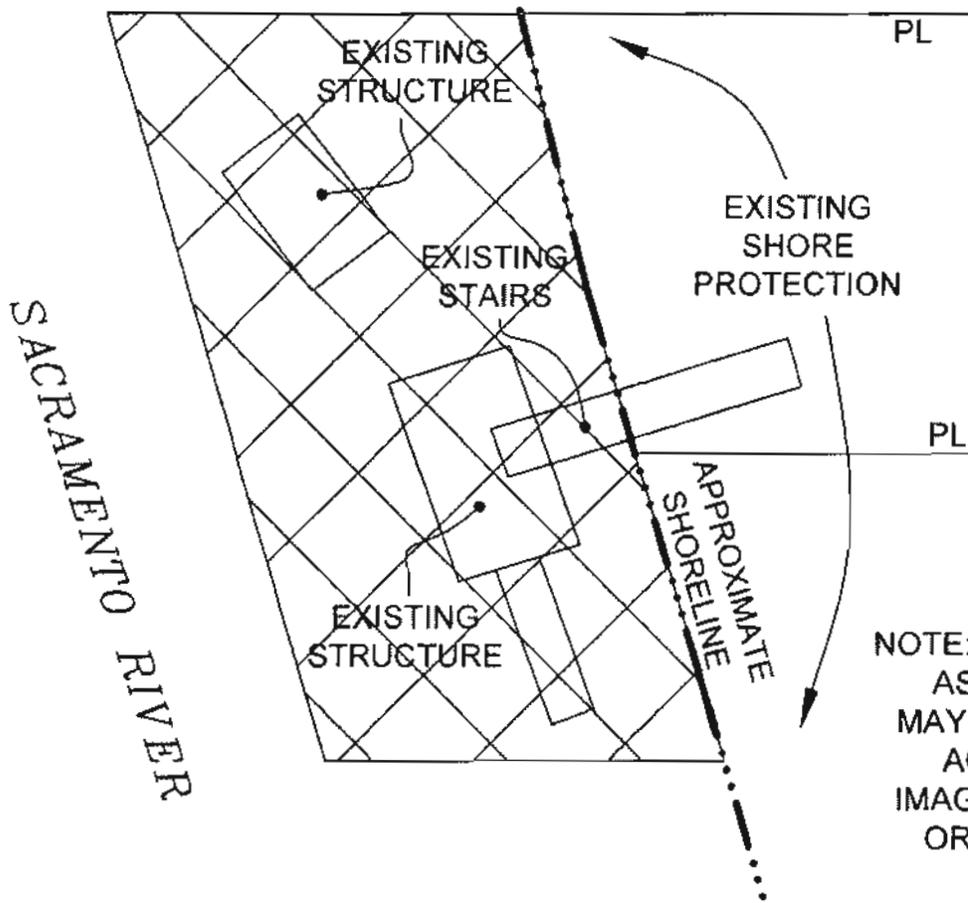
### END OF DESCRIPTION

Prepared 11/13/2012 by the California State Lands Commission Boundary Unit.



NO SCALE

### SITE



PL

APN  
225-0210-035

PL

NOTE: IMPROVEMENTS  
AS SHOWN PER  
MAY 2010 NATIONAL  
AGRICULTURE  
IMAGERY PROGRAM  
ORTHOIMAGERY

2611 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

This Exhibit is solely for purposes of generally defining the premises.

### Exhibit B

W 26581  
STEARN  
APN 225-0210-035  
TRESPASS  
SACRAMENTO COUNTY

