

MINUTE ITEM

11/78
Scott

26. RECOMMENDATION OF DENIAL OF GENERAL PERMIT
RECREATIONAL USE - W 21127 - W 503.945

During consideration of Calendar Item 26, attached, Robert C. Hight, Chief Counsel, explained that the staff could not recommend the issuance of a lease to Mr. Sieglitz since he was unable to obtain the necessary liability insurance required under the rules and regulations of the State Lands Commission.

Mr. Robert Sieglitz appeared on his own behalf. He requested that the Commission approve his lease application, excluding the provisions for the liability insurance and the right of inspection by staff of the Commission. Mr. Sieglitz requested the exclusion of the insurance provision because: 1) he could not obtain insurance at a reasonable rate; and 2) there are no berthing spaces available in marinas in the Sacramento area where he could move his boat. His request for removal of the right of inspection provision was because it was his feeling it infringed on his constitutional rights.

Most of the discussion centered around the insurance provision since that was the major concern of the Commission due to its liability responsibilities in the event of an injury. However, in an attempt to work out the problem with Mr. Sieglitz, the Commission deferred acting on the staff's recommendation until the next Commission meeting to give him another opportunity to find a space to berth his boat. However, they cautioned Mr. Sieglitz that by that meeting he should return with a specific plan as to whether or not he will move his boat or obtain the necessary insurance.

Attachment: (Calendar Item 26, 5 pages)

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CALENDAR ITEM

26.

11/78
W 21127
W 503,945
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RECOMMENDATION OF DENIAL OF
GENERAL PERMIT
RECREATIONAL USE

APPLICANT: Robert A. Sieglitz
1911 Garden Highway
Sacramento, California 95833

AREA, TYPE LAND AND LOCATION:
A 1.05 acre (4,862 square foot use area)
parcel of tide and submerged land in the
bed of the Sacramento River approximately
3 miles north of the City of Sacramento.

LAND USE: Mooring of a converted vessel.

TERMS OF PROPOSED PERMIT:

Length: 10 years from April 1,
1976.

Surety bond: \$1,000.

Combined single limit coverage: \$100,000.

CONSIDERATION: \$90 per annum with the State reserving
the right to fix a different rental on
each fifth anniversary of the permit.

BASIS FOR CONSIDERATION:

\$90 annual rental for this type of permit.

PREREQUISITE TERMS, FEES AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 & 2.

B. Cal. Adm. Code: Title 2, Div. 3.

OTHER PERTINENT INFORMATION:

1. The area described in Section 4 of
the proposed permit covers 1.05 acres
of State land, however, the rental
has been calculated using the established

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CALENDAR ITEM NO. 26. (CONTD)

rental schedule for General Permits and the actual area occupied by the existing facility plus a standard use area which totals 4,862 square feet.

2. An EIR is not required. This transaction is within the purview of 2 Cal. Adm. Code 2907, Class 1B, which exempts an existing structure or facility that is in an acceptable state of repair and there is no evidence of record to show injury to adjacent property, shoreline erosion, or other types of environmental degradation.
3. This project is situated on State land identified as possessing significant environmental values pursuant to P.R.C. 6370.1, and is classified in a use category, Class B which authorizes Limited Use.

Staff review indicates that there will be no significant effect upon the identified environmental values. This is an existing facility for which no adverse comments have been received.

4. The proposed permit was to be used in settlement of litigation previously authorized by the Commission as Minute Item 18 at its March 30, 1978 meeting.
5. One of the provisions of the proposed permit offered to the applicant is the requirement of liability insurance. The applicant has been unable to secure a policy of liability insurance at a premium which is acceptable to him. Staff feels that it would not be in the best interest of the State to waive the insurance requirement. Staff believes that the applicant has a reasonable alternative. The alternative being the moving of applicant's vessel to an existing marina which has liability insurance coverage of its own.

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

CALENDAR ITEM NO. 26. (CONTD)

IT IS RECOMMENDED THAT THE COMMISSION:

1. DENY THE APPLICATION OF ROBERT A. SIEGLITZ FOR A GENERAL PERMIT - RECREATIONAL USE.
2. AUTHORIZE THE STATE LANDS COMMISSION STAFF AND/OR THE OFFICE OF THE ATTORNEY GENERAL TO CONTINUE ITS LITIGATION TO ELIMINATE THE CONTINUING TRESPASS OF ROBERT A. SIEGLITZ ON THE LAND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO AN BY REFERENCE MADE A PART HEREOF, WHICH LITIGATION THE COMMISSION PREVIOUSLY AUTHORIZED AT MINUTE ITEM 18, MARCH 30, 1978.

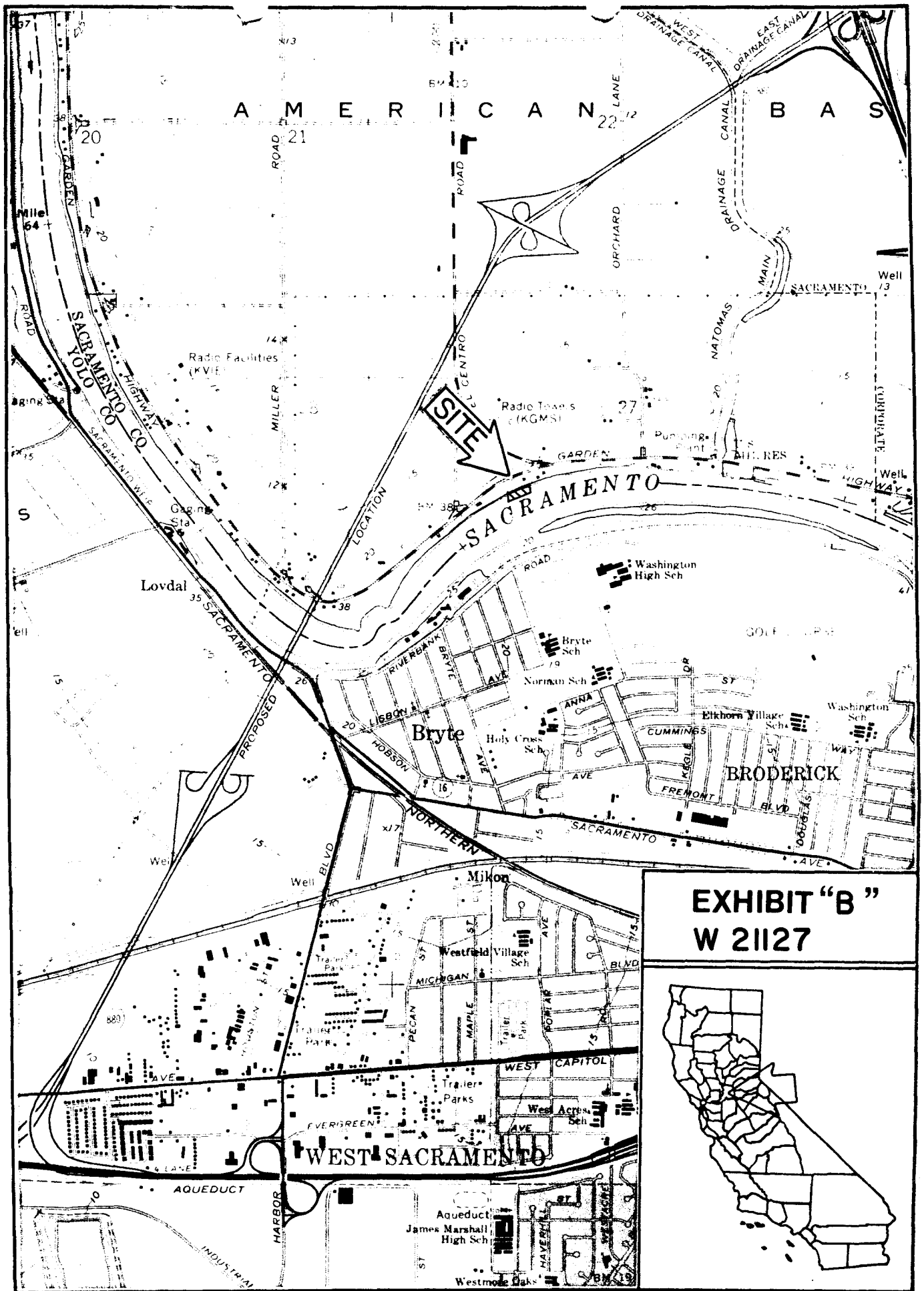


EXHIBIT "B"
W 21127



EXHIBIT "A"

LAND DESCRIPTION

W 21127

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

BEGINNING at the northwesterly corner of that parcel of land described in that grant deed from George D. Azevedo and Katie U. Azevedo, his wife; Francis John Azevedo and Marion Azevedo, his wife, to Far West Metals Inc., a California corporation, dated May 12, 1970, recorded May 28, 1970, in Book 70-05-28, page 67 of Official Records of Sacramento County, said point of beginning being on the westerly line of Lot 7 at the intersection of said line with the northerly line of the Reclamation District No. 1000 right of way as said lot and right of way are shown on the Plat of Natomas Riverside Subdivision No. 1 according to the plat filed August 9, 1915, in Book 15 of Maps, Map No. 26, Sacramento County Recorder's Office; thence South 400 feet along said westerly line of Lot 7 and the southerly projection thereof; thence Northeasterly to a point which bears South 400 feet from the Northeasterly corner of said Lands conveyed to Far West Metals Inc. measured along the easterly line and southerly projection of said line of Lot 7; thence North along said projection and line of Lot 7, 400 feet to said northeasterly corner, being a point on the hereinabove mentioned northerly line of Reclamation District 1000 right of way, thence southwesterly along said right of way line to the point of beginning.

EXCEPTING THEREFROM that portion thereof lying northerly of the ordinary high water mark along the left bank of the Sacramento River.

END OF DESCRIPTION

Prepared C. J. Lewis Checked Edward Zimmerman
Reviewed Rm [Signature] Date JULY 12, 1978

CS