

MINUTE ITEM

This Calendar Item No. C39 was approved as Minute Item No. 39 by the California State Lands Commission by a vote of 3 to 0 at its 4-24-01 meeting.

**CALENDAR ITEM
C39**

A 8
S 4

04/24/01
PRC 5612 WP 5612.9
D. Jones

**GENERAL LEASE - RECREATIONAL
AND PROTECTIVE STRUCTURE USE**

LESSEE:

Mr. Thomas A. Treacy
1841 Garden Highway
Sacramento, California 95833

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

The continued use and maintenance of an existing floating boat dock, walkway and bank protection.

LEASE TERM:

Ten years, beginning September 19, 2000.

CONSIDERATION:

Floating boat dock and walkway:

No monetary consideration pursuant to Section 6503.5 of the Public Resources Code.

Bank protection:

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

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than \$500,000.

CALENDAR PAGE000315	
MINUTE PAGE	0000853

CALENDAR ITEM NO. C39 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. The Commission previously authorized a Recreation Pier Permit with Ray W. and Edna Lou Howard. Ray W. Howard, Trustee of the Ray W. Howard Trust UDT dated January 14, 1994, and David Laurence Cole and Donna R. Ruddleston Successor Trustees deeded the littoral land to Thomas A. Treacy. The applicant, Thomas A. Treacy, is a natural person who has improved the littoral land with, and uses the upland for, a single family dwelling, therefor the floating dock and walkway are recreational structures that qualify as rent-free under Section 6503.5 of the Public Resources Code.
3. **Floating Boat Dock and Walkway:**

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 as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

Bank Protection:

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 as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; Title 2, California Code of Regulations, section 2905 (d)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

CALENDAR ITEM NO. C39 (CONT'D)

4. 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.

EXHIBIT:

- A. Site and Location Map.

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FLOATING BOAT DOCK AND WALKWAY:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

BANK PROTECTION

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATION TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(2).

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.

CALENDAR ITEM NO. C39 (CONT'D)

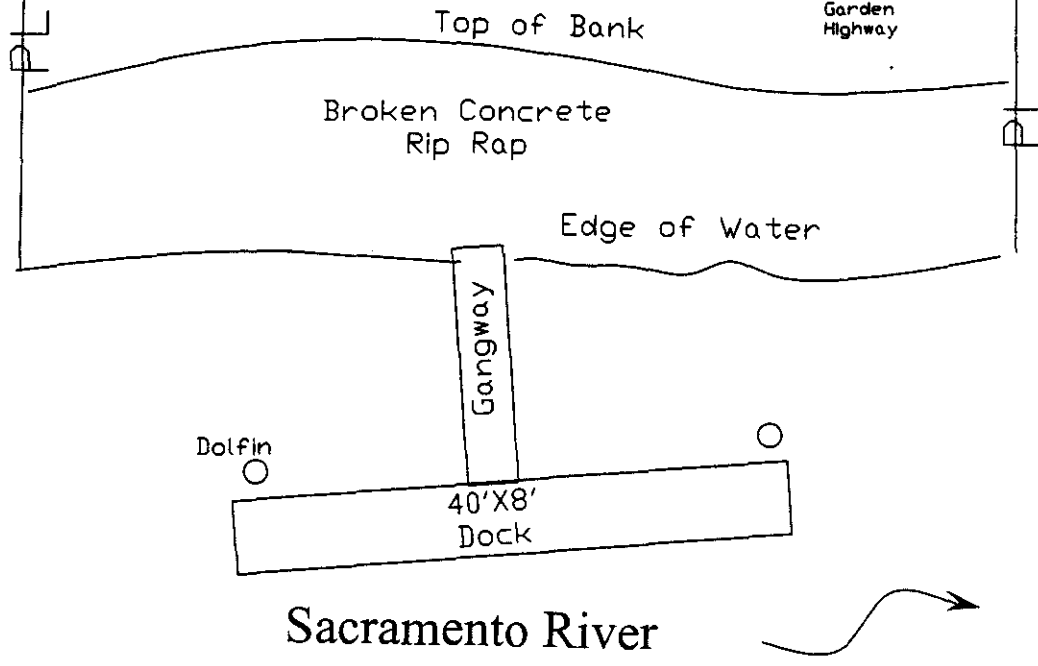
AUTHORIZATION:

AUTHORIZE ISSUANCE TO THOMAS A. TREACY OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING SEPTEMBER 19, 2000, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING FLOATING BOAT DOCK, WALKWAY AND BANK PROTECTION ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: FLOATING BOAT DOCK AND WALKWAY: NO MONETARY CONSIDERATION PURSUANT TO 6503.5 OF THE PUBLIC RESOURCES CODE; BANK PROTECTION: THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; INSURANCE: LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$500,000.

NO SCALE

APN 274-0021-003

200'± to Garden Highway



1841 Garden Highway, Sacramento

NO SCALE

LOCATION MAP

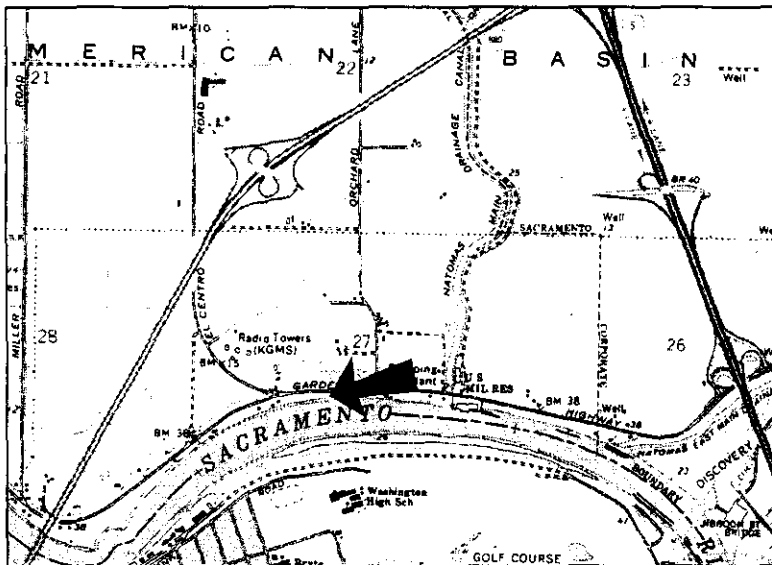


Exhibit A PRC 5612

T. Treacy
GL
Recreation and Protective
Structure Use
Sacramento County



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

CALENDAR PAGE 000319
MINUTE PAGE 000857