

MINUTE ITEM
This Calendar Item No. C05 was approved as
Minute Item No. 05 by the California State Lands
Commission by a vote of 3 to 4 at its
8-17-04 meeting.

**CALENDAR ITEM
C05**

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08/17/04
PRC 7212 WP 7212.9
L. Burks

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

APPLICANTS:

Loche M. Johnson and Susan M. Johnson, and
Successors in Trust, as Trustees of the Johnson
Family Trust dated August 13, 1999

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to the Garden Highway,
Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing boat dock and ramp and
proposed placement of bank protection.

LEASE TERM:

Ten years, beginning August 17, 2004.

CONSIDERATION:

Boat Dock and Ramp:

No monetary consideration pursuant to Public Resources Code section 6503.5.

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:

Liability insurance in the amount of no less than \$300,000.

Other: No construction activities, or new facilities or improvements are
authorized on the lease premises until Lessee provides, to staff, copies of all
necessary permits from the California Department of Fish and Game, California

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Regional Water Quality Control Board, and the United States Army Corps of Engineers, including the United States Fish and Wildlife Service and NOAA Fisheries Final Biological Opinion, if required.

OTHER PERTINENT INFORMATION:

1. On June 19, 1998, the Commission authorized a Recreational Pier Lease with Michael Anthony Guantone, Sr. and Donna Marie Guantone. That lease will expire on June 29, 2008. Michael and Donna Guantone deeded the littoral land to Loche and Susan Johnson. The Johnsons are proposing placement of bank protection along their eroding bank line. Loche and Susan Johnson are now applying for a new General Lease – Protective Structure and Recreational Use.

2. The bank protection at this location mutually benefits both the public and the applicant. The public levee will have the additional protection from wave action provided at no cost to the public.

3. Boat Dock and Ramp:

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.

4. 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 14, California Code of Regulations, section 15304.

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

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5. 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.

APPROVALS OBTAINED:

State Reclamation Board; California Regional Water Quality Control Board.

FURTHER APPROVALS REQUIRED:

United States Army Corps of Engineers; United States Fish and Wildlife Service; NOAA Fisheries; California Department of Fish and Game.

EXHIBITS:

- A. Site Plan
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

October 8, 2004

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

BOAT DOCK AND RAMP:

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 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304.

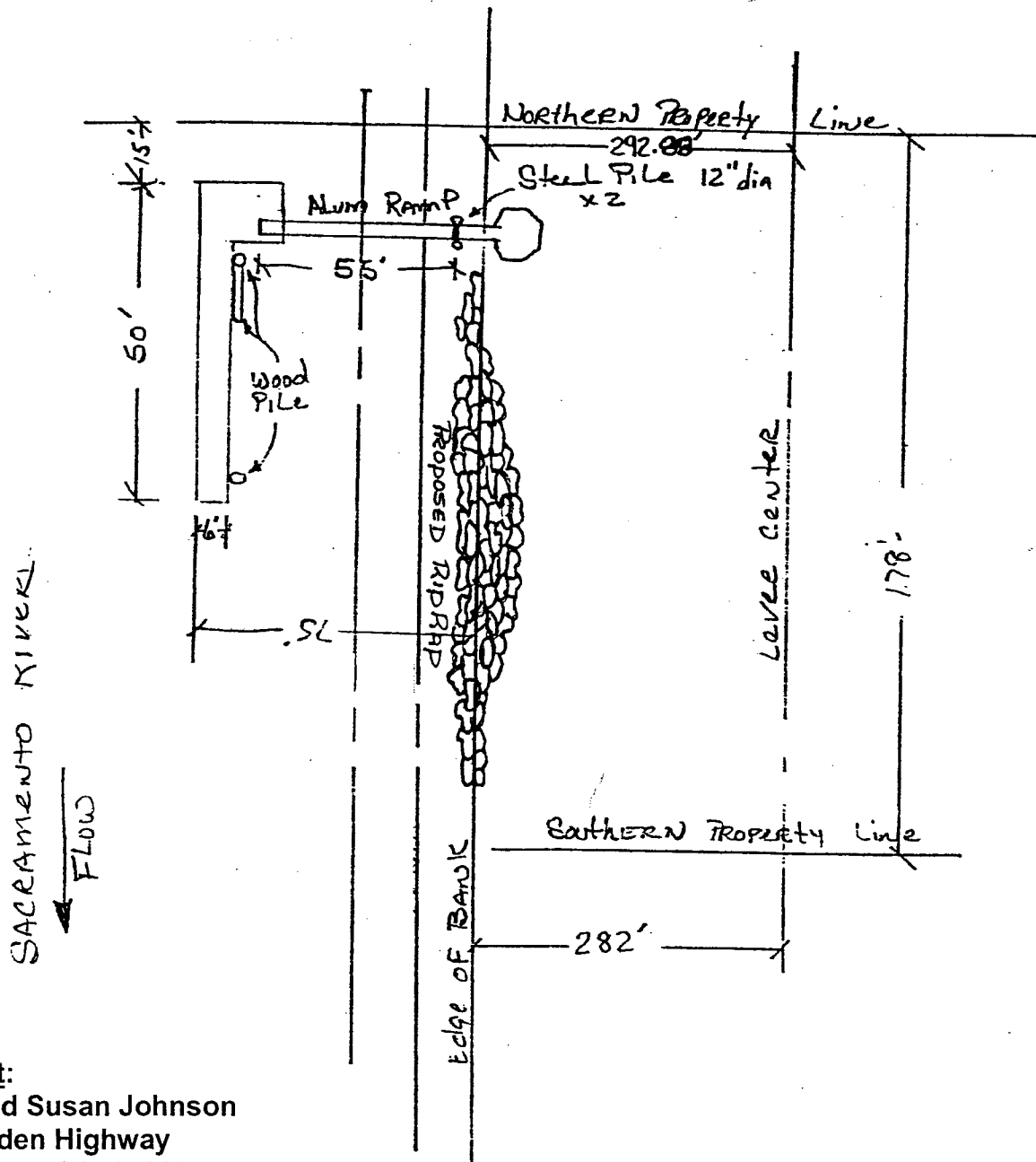
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SIGNIFICANT LANDS INVENTORY FINDING:

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:

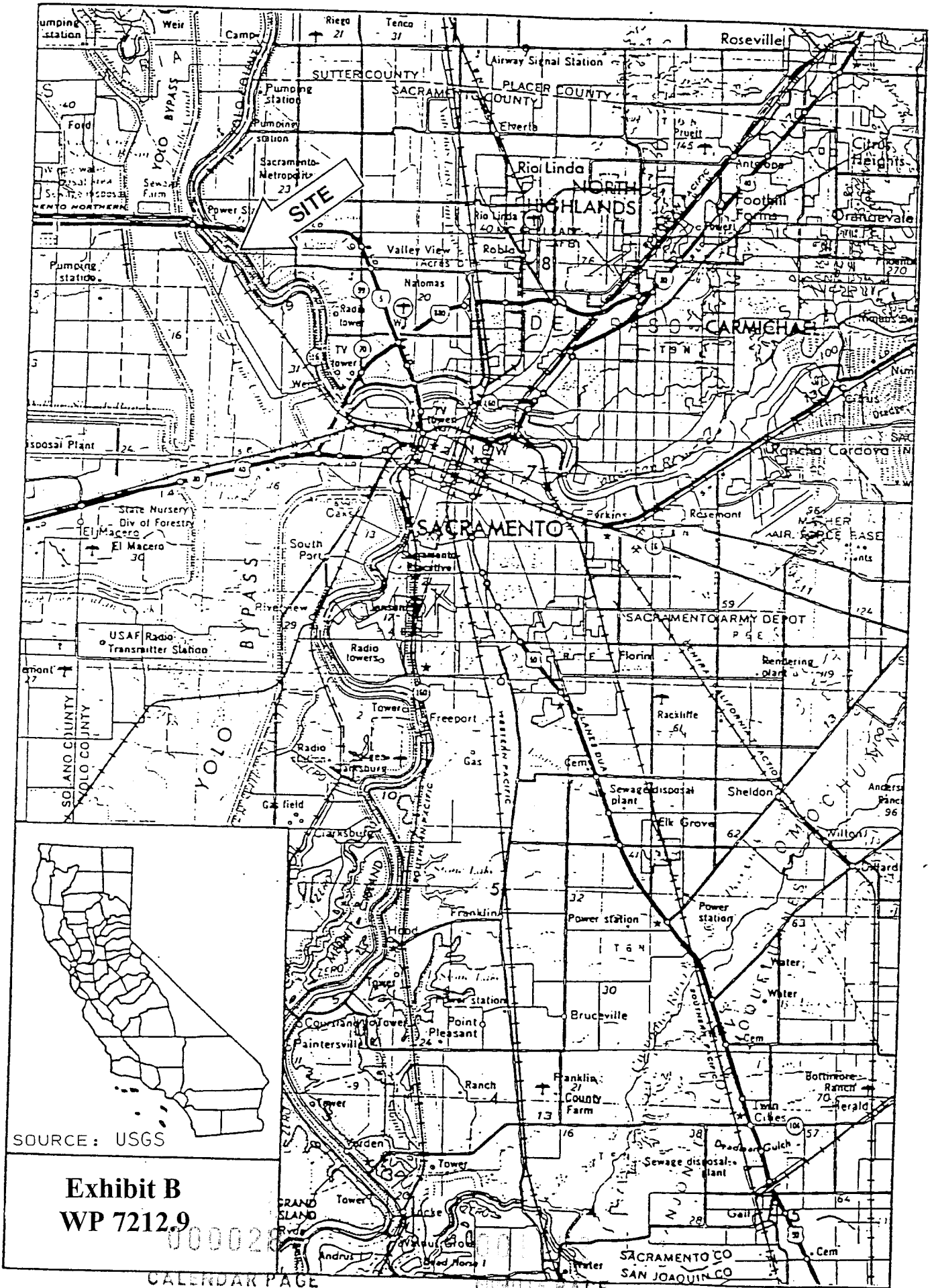
AUTHORIZE ISSUANCE TO LOCHE M. JOHNSON AND SUSAN M. JOHNSON, AND SUCCESSORS IN TRUST, AS TRUSTEES OF THE JOHNSON FAMILY TRUST DATED AUGUST 13, 1999 OF A TEN-YEAR GENERAL LEASE – PROTECTIVE STRUCTURE AND RECREATIONAL USE, AS CONDITIONED, BEGINNING AUGUST 17, 2004, FOR TEN YEARS AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: BOAT DOCK AND RAMP - NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; BANK PROTECTION – 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; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.



Applicant:
 Loche and Susan Johnson
 4603 Garden Highway
 Sacramento, CA 95837

This exhibit is solely for purposes of generally defining the area to be leased, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or other property.

Exhibit A
WP 7212.9



SOURCE: USGS

**Exhibit B
WP 7212.9**

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PHOTO PAGE

LMB 7/15/04