

MINUTE ITEM
This Calendar Item No. C27 was approved as
Minute Item No. 27 by the California State Lands
Commission by a vote of 3 to 0 at its
8-17-04 meeting.

CALENDAR ITEM
C27

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PRC 7833

8/17/04

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WP 7833
V. Massey

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

APPLICANTS:

Mark D. Leng and Sherri E. Leng

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use and maintenance of an existing single-berth floating dock,
gangway, and bank protection.

LEASE TERM:

Ten years, beginning October 26, 2002.

CONSIDERATION:

Single-berth floating dock and gangway – 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.

SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single limit coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. On July 6, 1995, the Commission authorized a General Lease – Protective
Structure and Recreational Use with Mark D. Leng and Sherri E. Leng.
That lease expired on October 25, 2002. Mark D. Leng and Sherri E.
Leng are now applying for a new General Lease – Protective Structure

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and Recreational Use. Applicants qualify for a rent free single-berth floating dock, and gangway because applicants are natural persons who have improved the littoral land with, and use the upland, for a single-family dwelling.

2. The bank protection at this location mutually benefits both the public and the applicant. The bank of the river will have the additional protection from wave action provided at no cost to the public.
3. 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. 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 Map
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

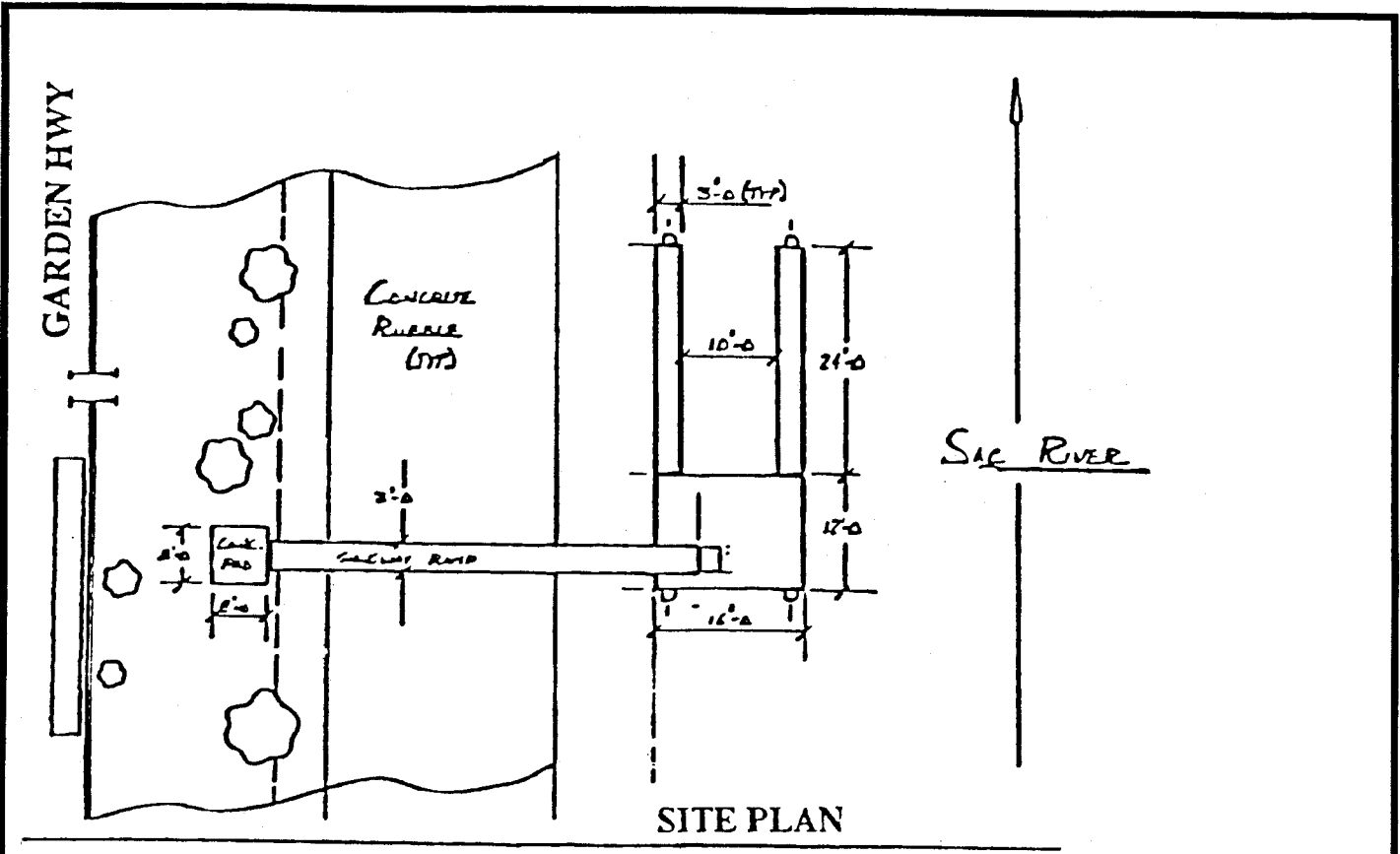
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

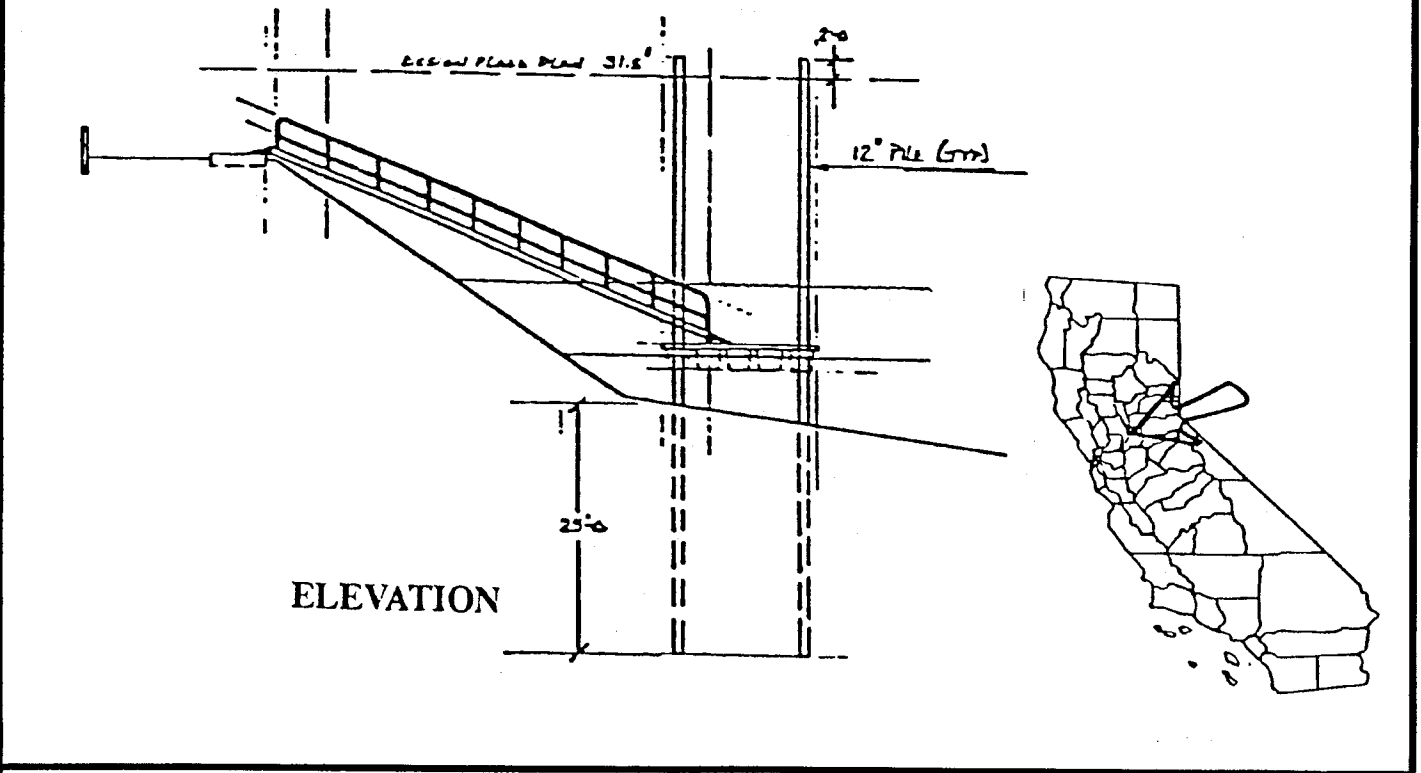
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO MARK D. LENG AND SHERRI E. LENG OF A GENERAL LEASE - PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING OCTOBER 26, 2002, FOR A TERM OF TEN YEARS, FOR CONTINUED USE AND MAINTENANCE OF AN EXISTING SINGLE-BERTH FLOATING DOCK, GANGWAY, AND BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: SINGLE-BERTH FLOATING DOCK AND GANGWAY. 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 \$500,000.



SITE PLAN



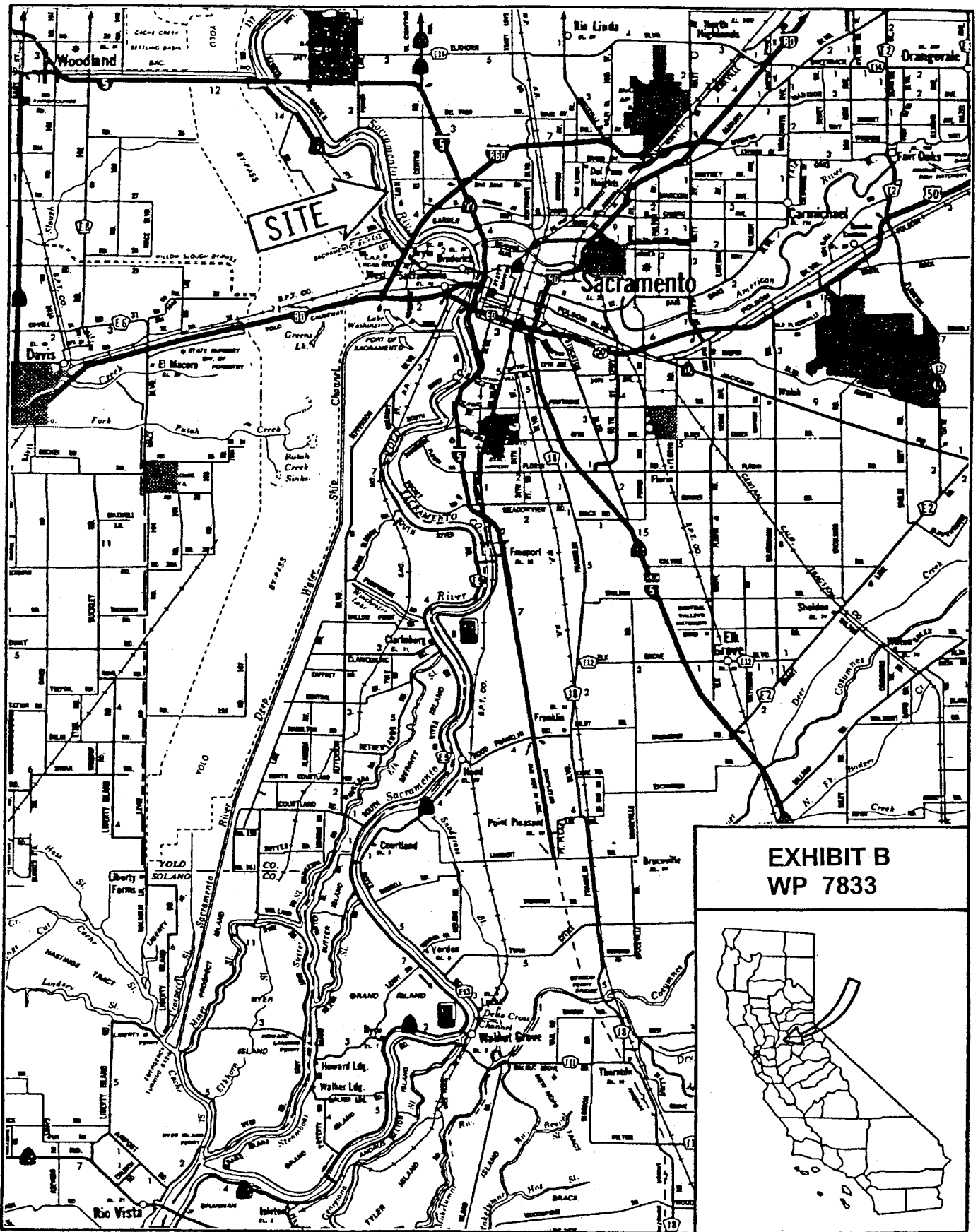
ELEVATION

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

Exhibit A
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**EXHIBIT B
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