

MINUTE ITEM

This Calendar Item No. C30 was approved as Minute Item No. 30 by the California State Lands Commission by a vote of 3 to 0 at its 8-17-04 meeting.

**CALENDAR ITEM
C30**

A 05,09

PRC 5901

08/17/04

S 06

WP 5901

J. McComas

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

APPLICANTS:

Wendy Hoyt and Tom Kurowski

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use and maintenance of a floating dock, gangway, six pilings and bank protection and stabilization.

LEASE TERM:

Ten years, beginning May 1, 2002.

CONSIDERATION:

Floating Dock, gangway, and six pilings:

No monetary consideration pursuant to Public Resources Code section 6503.5.

Bank protection and stabilization:

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 \$500,000.

OTHER PERTINENT INFORMATION:

1. On July 19, 1993, the Commission authorized a General Permit – Protective Structure and Recreational Use to Ricky L. Pappan and Carol J. Pappan for a recreational floating dock and bank protection and stabilization. That lease expired on April 30, 2002. The upland property

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had been transferred to Wendy Hoyt and Tom Kurowski on September 29, 1998. Wendy Hoyt and Tom Kurowski have applied for a new Lease. Applicants qualify for a rent-free Recreational Use lease because the Applicants are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.

2. The bank protection and stabilization at this location provides additional protection to the public levee from wave action 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 / Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

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

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PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

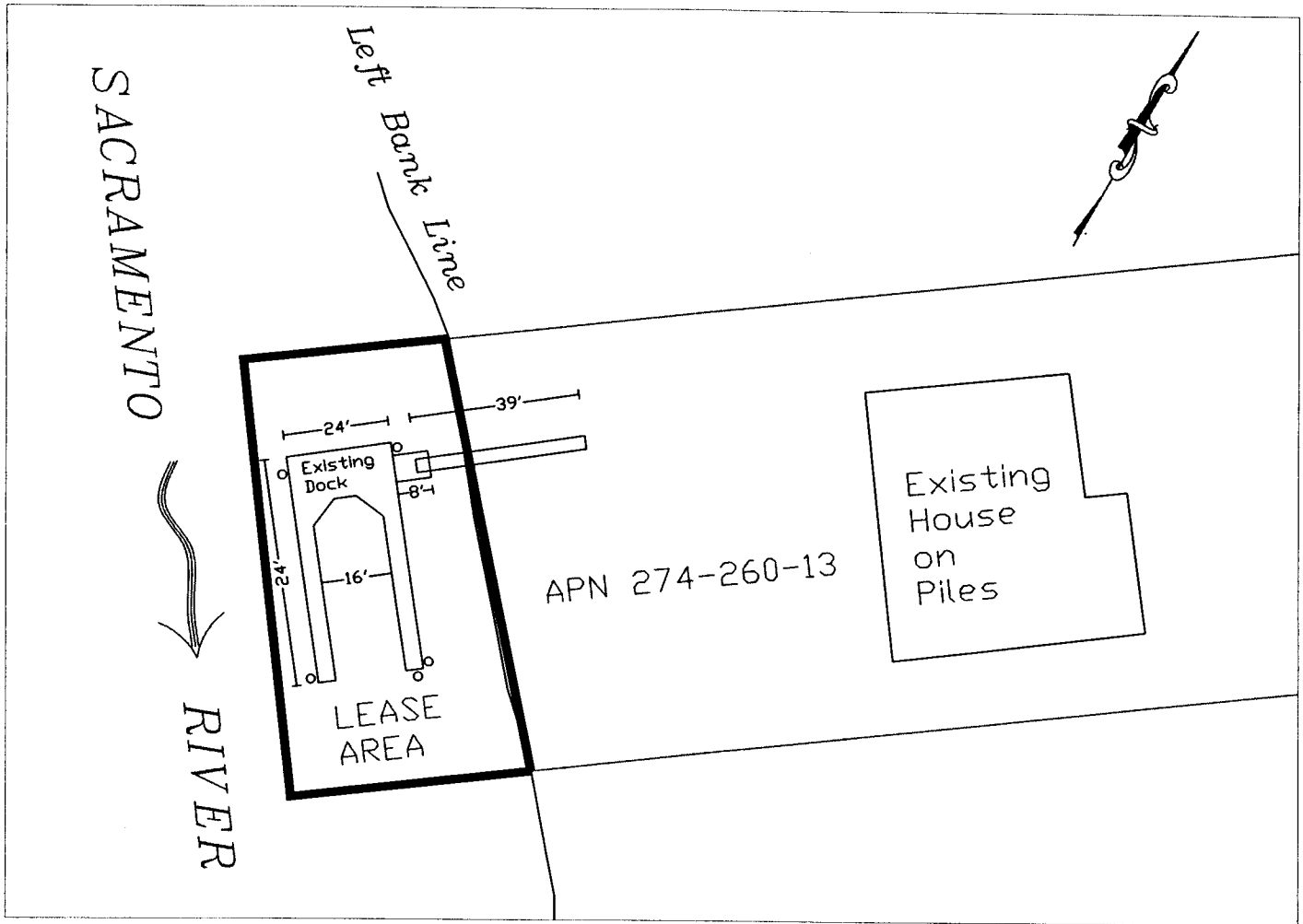
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO WENDY HOYT AND TOM KUROWSKI OF A GENERAL LEASE – PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING MAY 1, 2002, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF A FLOATING DOCK, GANGWAY, SIX PILINGS AND BANK PROTECTION AND STABILIZATION ON THE LAND AS REPRESENTED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: FLOATING DOCK, GANGWAY AND SIX PILINGS: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; BANK PROTECTION AND STABILIZATION: 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.

NO SCALE

SITE MAP



2331 Garden Highway

NO SCALE

LOCATION MAP

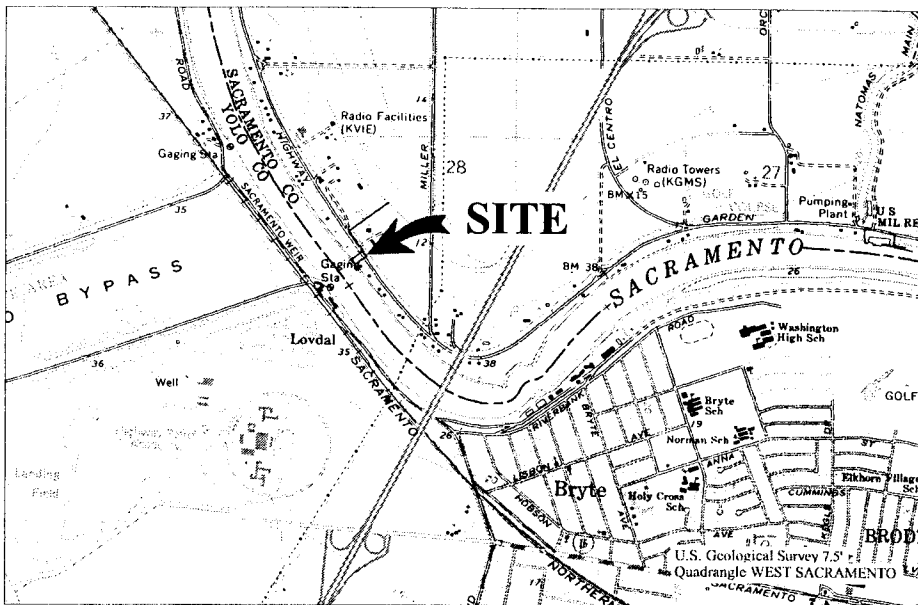


EXHIBIT A
WP 5901.9
 APN 274-260-13
 W. Hoyt & T. Kurowski
 Gangway & Rec Dock
 Sacramento County



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