

MINUTE ITEM

This Calendar Item No. C10 was approved as Minute Item No. 10 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

**CALENDAR ITEM
C10**

A 5, 9

04/17/06

S 6

W 26072

T. Lipscomb

RECREATIONAL PIER LEASE

APPLICANTS:

John E. Kilgour and Frances A. Kilgour, Trustees of the J.E. and F.A. Kilgour Family 1988 Revocable Trust

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

The construction, use and maintenance of a new covered floating boat dock with corrugated metal roofing, pilings, and a walkway.

LEASE TERM:

Ten years, beginning April 1, 2006.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. Applicants qualify for a Recreational Pier Lease because the applicants are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.
3. The U.S. Fish and Wildlife Service consultation, made in accordance with section 7 of the Endangered Species Act, requires the applicants to purchase .06 acres of shallow water habitat credits from Wildlands' Kimball Island conservation bank, to mitigate for the shading of surface

CALENDAR ITEM NO. C10 (CONT'D)

water by the proposed facility. Shading is determined by the U.S. Fish and Wildlife Service to have a potential detrimental impact on the federally threatened delta smelt (*Hypomesus transpacificus*.) A copy of the conservation bank invoice will be provided to the CSLC prior to construction.

4. 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 under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is not possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 16061 (b)(3).

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:

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, NOAA Fisheries, California Regional Water Quality Control Board, California Department of Fish and Game, and the Reclamation Board

EXHIBIT:

- A. Site Plan and Location Map

PERMIT STREAMLINING ACT DEADLINE:

May 5, 2006

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

CALENDAR ITEM NO. C10 (CONT'D)

REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

SIGNIFICANT LANDS INVENTORY FINDING:

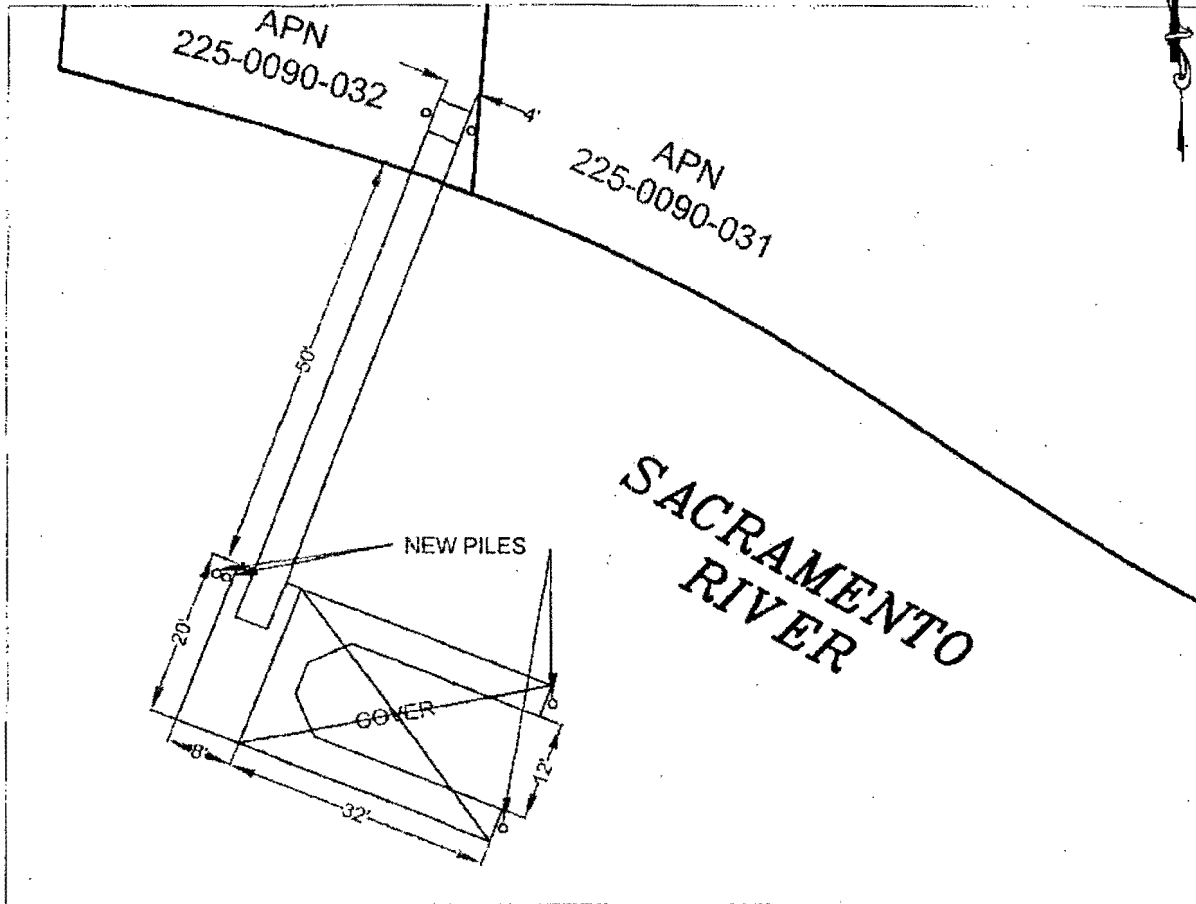
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO JOHN E. KILGOUR AND FRANCES A. KILGOUR, TRUSTEES OF THE J.E. AND F.A. KILGOUR FAMILY 1988 REVOCABLE TRUST, OF A RECREATIONAL PIER LEASE, BEGINNING APRIL 1, 2006, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A NEW COVERED FLOATING BOAT DOCK WITH CORRUGATED METAL ROOFING, PILINGS, AND A WALKWAY AS SHOWN ON THE ATTACHED EXHIBIT A AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.

NO SCALE

SITE



4201 Garden Hwy, Sacramento, CA 95834

NO SCALE

LOCATION



Exhibit A

WP 26072
 JOHN & FRANCES KILGOUR
 RECREATIONAL PIER LEASE
 SACRAMENTO RIVER
 SACRAMENTO COUNTY



MSF 2/28/06

000042

CALENDAR PAGE

000097

MINUTE PAGE