

MINUTE ITEM

This Calendar Item No. C38 was approved as Minute Item No. 38 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

CALENDAR ITEM
C38

A 8, 15
S 5

04/17/06
PRC 8671.9 W 26131
V. Massey

GENERAL LEASE -
RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Terence J. Mulligan and Elizabeth M. Mulligan, as Trustees of The Mulligan Family Trust dated August 29, 1990

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, near Hood, Sacramento County.

AUTHORIZED USE:

Construction, use and maintenance of a new uncovered floating boat dock, pilings, gangway, and existing bank protection not previously authorized by the Commission as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning April 1, 2006.

CONSIDERATION:

Uncovered floating boat dock, pilings 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 rent if the Commission finds such to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

CALENDAR ITEM NO. C38 (CONT'D)

2. Applicants qualify for a rent-free boat dock, gangway and pilings because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.
3. The bank protection at this location mutually benefits both the public and the Applicants. The bank of Sacramento River will have the additional protection from wave action provided at no cost to the public.

The U.S. Fish and Wildlife Service consultation, made in accordance with section 7 of the Endangered Species Act, requires the Applicants to purchase 0.069 acres of shallow water habitat credits from Wildlands' Kimball Island conservation bank, to mitigate for the shading of surface 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 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 no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

5. 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; as a categorically exempt project. 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. C38 (CONT'D)

6. 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, The Reclamation Board

EXHIBIT:

- A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

May 7, 2006

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK, PILINGS, GANGWAY:
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF 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).

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

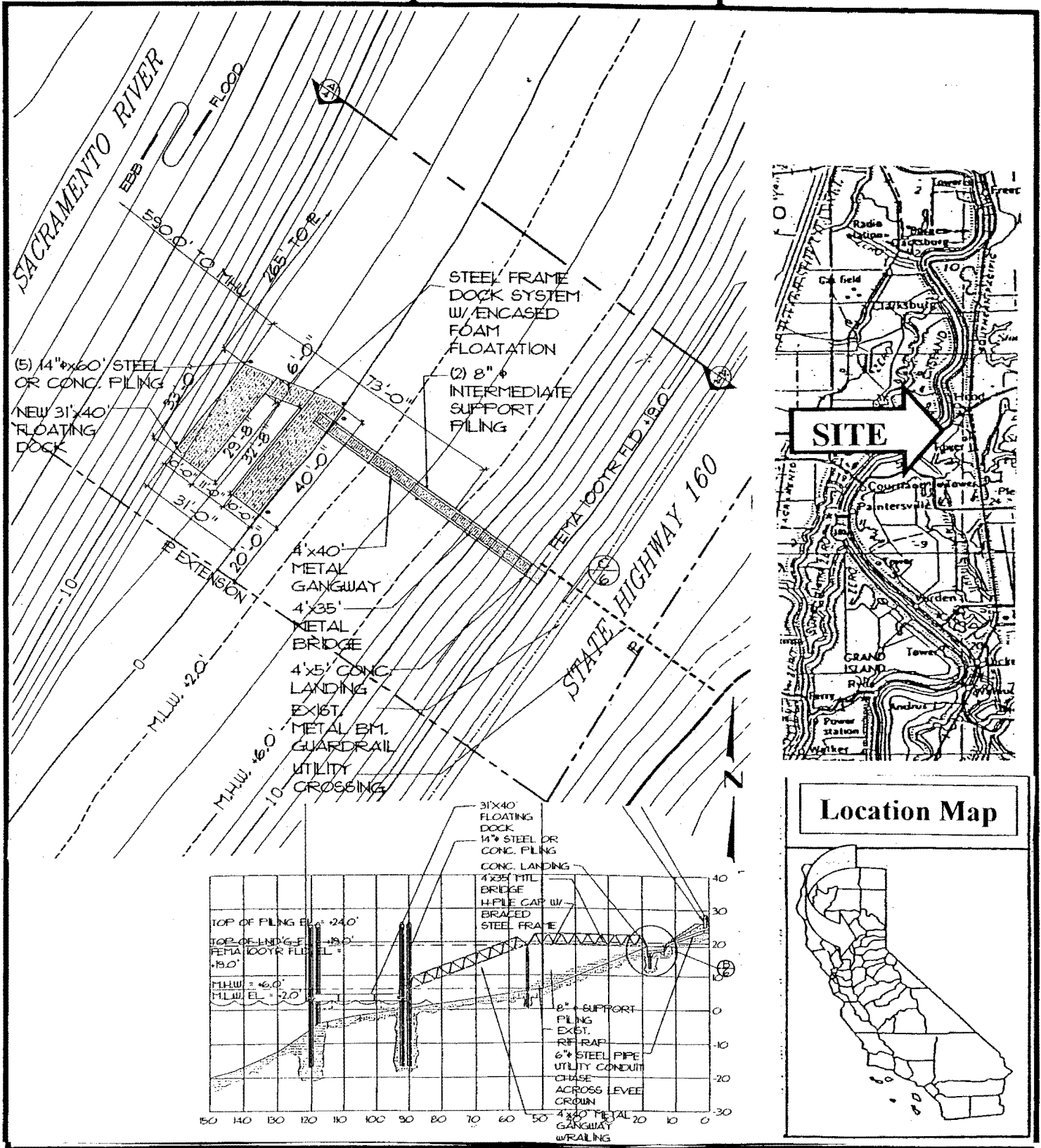
CALENDAR ITEM NO. C38 (CONT'D)

LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,
ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO TERENCE J. MULLIGAN AND ELIZABETH M. MULLIGAN AS TRUSTEES OF THE MULLIGAN FAMILY TRUST DATED AUGUST 29, 1990, OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING APRIL 1, 2006, FOR A TERM OF TEN YEARS, FOR CONSTRUCTION, USE AND MAINTENANCE OF A NEW UNCOVERED FLOATING BOAT DOCK, PILINGS, GANGWAY, AND EXISTING BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: UNCOVERED FLOATING BOAT DOCK, PILINGS 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 Map and Location Map



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. 000721

**Exhibit A
W 26131**