

**MINUTE ITEM**

This Calendar Item No. C32 was approved as  
Minute Item No. 32 by the California State Lands  
Commission by a vote of 3 to 6 at its  
05/10/07 meeting.

**CALENDAR ITEM**

**C32**

A 8

05/10/07

S 5

WP 7946.9

V. Caldwell

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

**APPLICANT:**

Rebecca J. Cabral, Trustee of the Rebecca J. Cabral Revocable Trust dated December 4, 2002

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in Threemile Slough, near the city of Rio Vista, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of three existing pilings, one dolphin, and bank protection.

**LEASE TERM:**

Ten years, beginning April 1, 2007.

**CONSIDERATION:**

Three pilings and one dolphin: 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 with combined coverage of no less than \$500,000

**OTHER PERTINENT INFORMATION:**

1. The Applicant owns the upland adjoining the lease premises.
2. On May 12, 1997, the Commission authorized a Recreational Pier Lease to Rebecca Cabral. The lease was for the construction of a covered floating dock, three pilings, a dolphin, and gangway. That lease expired

CALENDAR ITEM NO. C32 (CONT'D)

on March 31, 2007. Subsequently, the upland property was placed in a trust. Rebecca J. Cabral, Trustee of the Rebecca J. Cabral Revocable Trust dated December 4, 2002, is now applying for a new General Lease - Recreational and Protective Structure Use. The bank protection has existed for several years. The three pilings and dolphin are the only improvements completed thus far. Construction for the covered floating dock and gangway is estimated to begin within two years and the applicant will submit a application for the dock construction at that time. The Applicant qualifies for the rent free use of the pilings and dolphin because the Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling.

3. The bank protection at this location mutually benefits both the public and the Applicant. The bank of Threemile Slough will have the additional protection from wave action provided at no cost to the public.
4. **Three Pilings and One Dolphin:** 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.

5. **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 Alterations 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.

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

CALENDAR ITEM NO. C32 (CONT'D)

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.

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**THREE PILINGS AND ONE DOLPHIN:** 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 ALTERATIONS TO LAND; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304.

**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 REBECCA J. CABRAL, TRUSTEE OF THE REBECCA J. CABRAL REVOCABLE TRUST DATED DECEMBER 4, 2002, OF A TEN-YEAR GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING APRIL 1, 2007, FOR THREE PILINGS, ONE DOLPHIN, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE THREE PILINGS AND ONE DOLPHIN: NO MONETARY CONSIDERATION PURSUANT TO

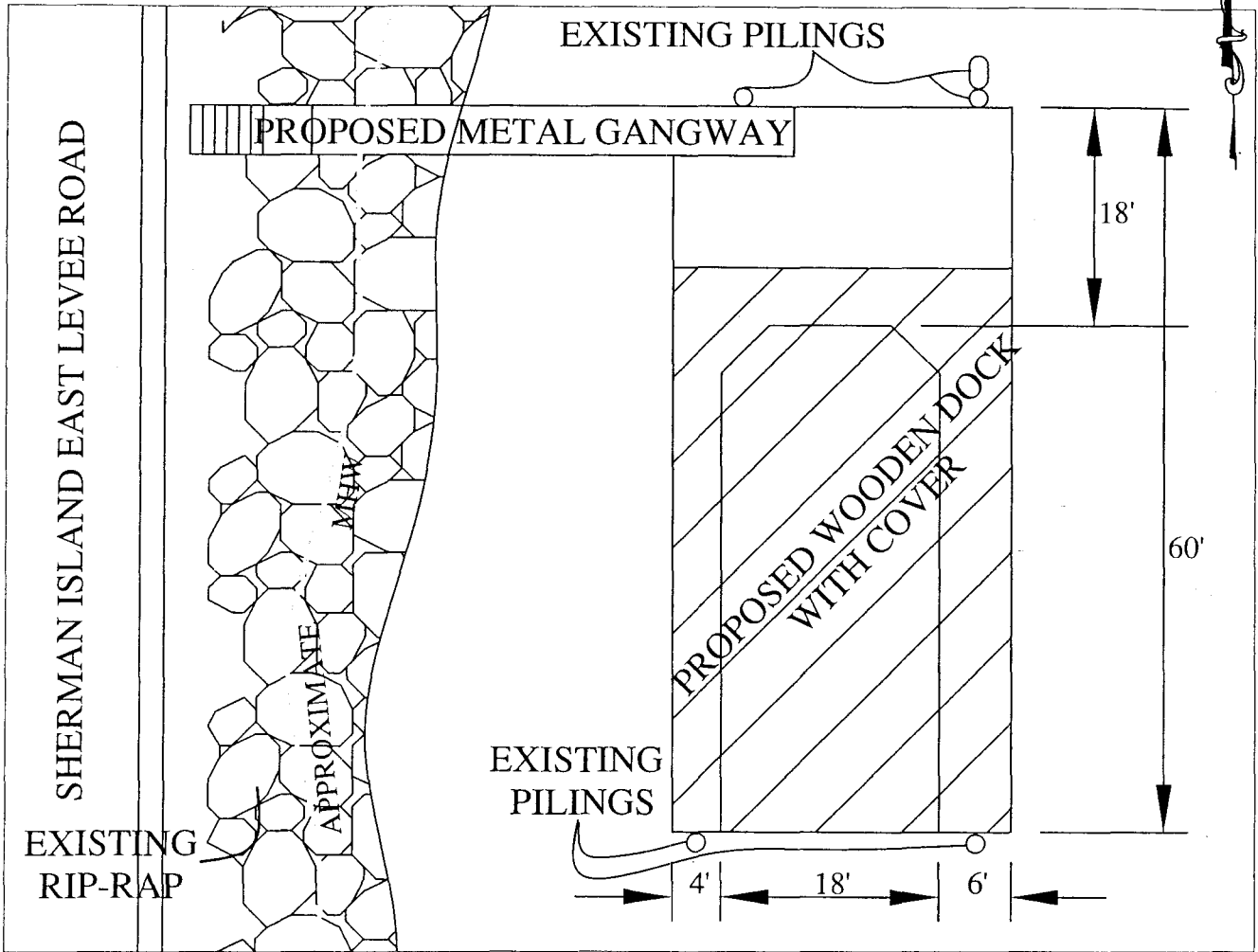
CALENDAR ITEM NO. C32 (CONT'D)

PUBLIC RESOURCES CODE SECTION 6503.5; AND FOR THE 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.

NO SCALE

### SITE

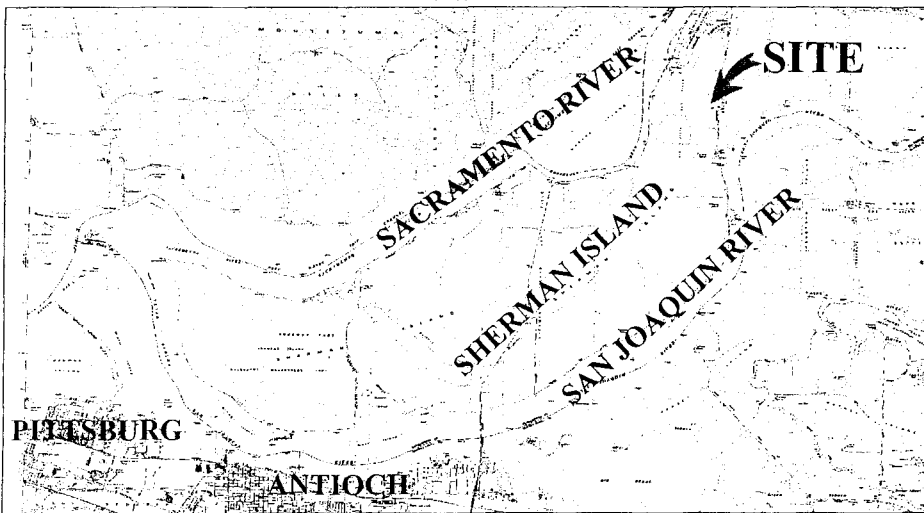
APN: 150-0010-024



18110 Sherman Island East Levee Road, Threemile Slough

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit A

PRC 7946  
 CABRAL  
 APN: 150-0010-024  
 GENERAL LEASE  
 RECREATIONAL & PROTECTIVE  
 STRUCTURE USE  
 SACRAMENTO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the 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.

CALENDAR PAGE

MINUTE PAGE