

MINUTE ITEM
This Calendar Item No. C22 was approved as
Minute Item No. 22 by the California State Lands
Commission by a vote of 3 to 0 at its
09-13-07 meeting.

CALENDAR ITEM
C22

A 5

09/13/07

S 6

PRC 5551

WP 5551.9

V. Caldwell

**TERMINATION OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE
STRUCTURE USE AND ISSUANCE OF A NEW GENERAL LEASE –
RECREATIONAL AND PROTECTIVE STRUCTURE USE**

LESSEES:

Frederick W. Haseley and Christy E. Dunn

APPLICANTS:

Jeffrey H. Chenu and Wendy Holmquist

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock,
three pilings, ramp, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning September 13, 2007.

CONSIDERATION:

Uncovered Floating Boat Dock, Pilings, and Ramp: 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 in the amount of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

CALENDAR ITEM NO. C22 (CONT'D)

2. On April 13, 1999, the Commission authorized a ten-year General Lease - Recreational and Protective Structure Use to Frederick W. Haseley and Christy E. Dunn. That lease will expire on January 27, 2009. The ownership of the upland has since been transferred to Jeffrey H. Chenu and Wendy Holmquist. The Applicants are now applying for a new General Lease - Recreational and Protective Structure Use.
3. The Applicants qualify for the rent free use of the floating boat dock, pilings, and ramp because they are natural persons who own the littoral land that is improved with a single-family dwelling.
4. The bank protection at this location mutually benefits both the public and the Applicants. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
5. **Termination of Existing Lease:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15060 (c)(3), the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15060 (c)(3) and 15378.

6. **Existing Uncovered Floating Boat Dock, Pilings, Ramp, and 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 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.

7. 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. C22 (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:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060 (c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCE CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

EXISTING UNCOVERED FLOATING BOAT DOCK, PILINGS, RAMP, AND 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 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:

1. AUTHORIZE TERMINATION, EFFECTIVE SEPTEMBER 12, 2007, OF LEASE NO. PRC 5551.9, A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE ISSUED TO FREDERICK W. HASELEY AND CHRISTY E. DUNN.
2. AUTHORIZE ISSUANCE TO JEFFREY H. CHENU AND WENDY HOLMQUIST, OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE USE, BEGINNING SEPTEMBER 13, 2007, FOR A

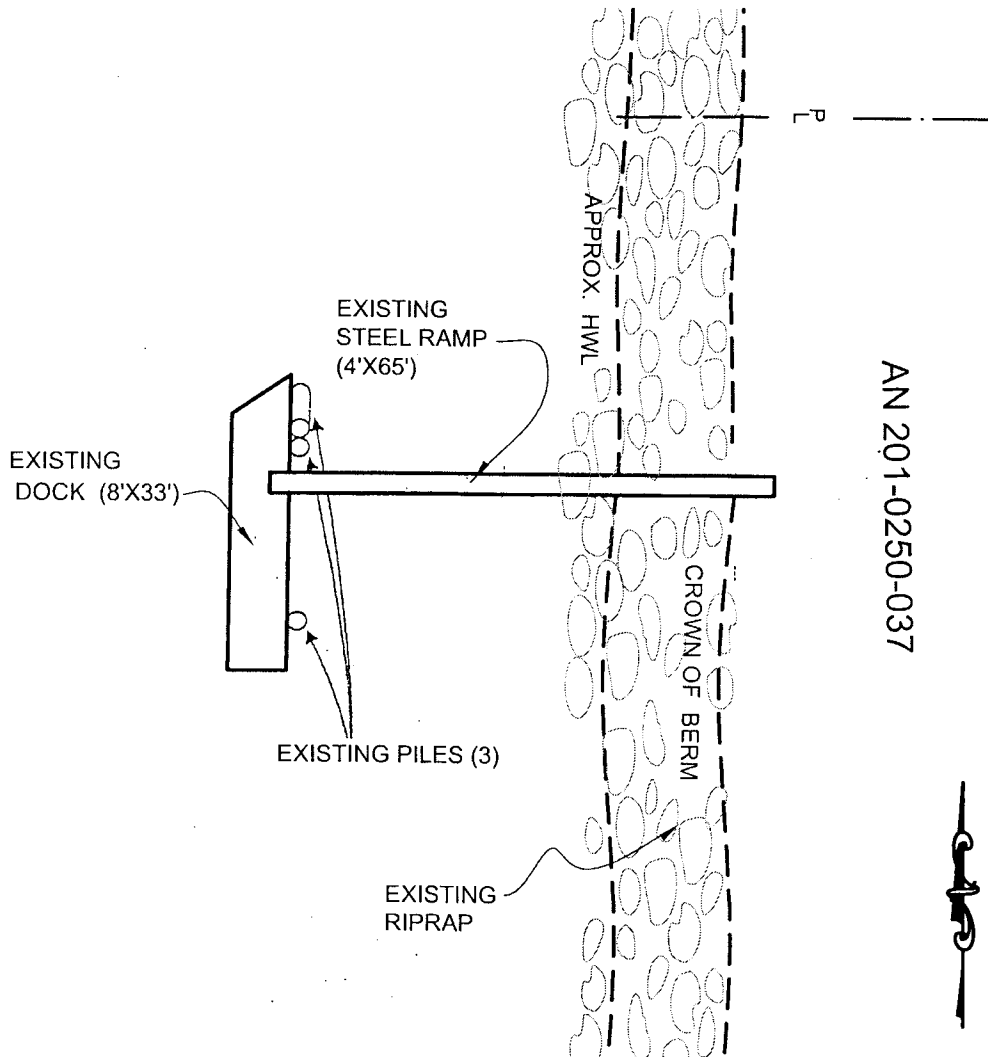
CALENDAR ITEM NO. C22 (CONT'D)

TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, PILINGS, RAMP, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK, PILINGS, AND RAMP: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION 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

Sacramento River
Flow



7701 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION

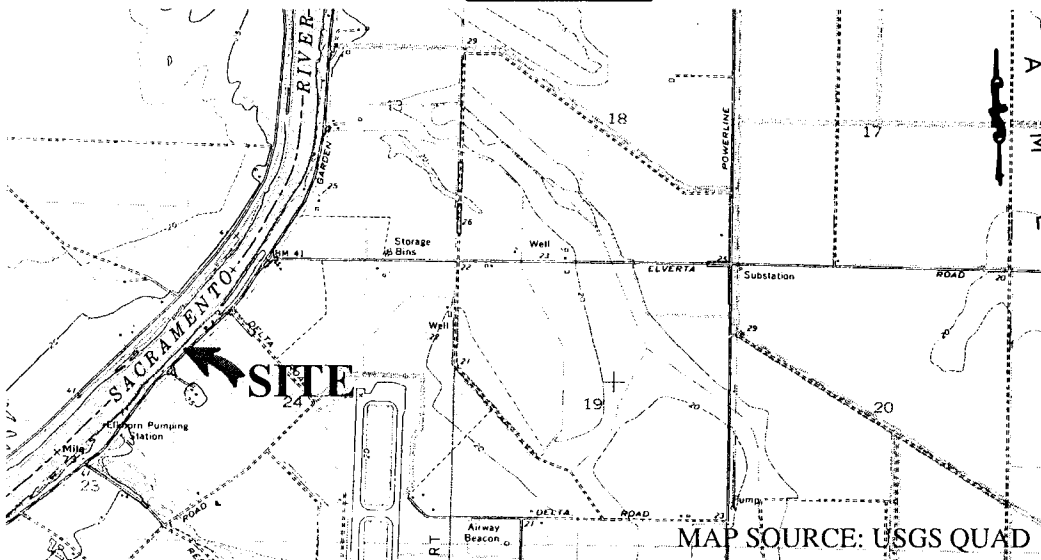


Exhibit A

WP 5551.9
 CHENU & HOLMQUIST
 APN 201-0250-037
 GENERAL LEASE
 RECREATIONAL &
 PROTECTIVE STRUCTURE
 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.