

MINUTE ITEM
This Calendar Item No. C23 was approved as
Minute Item No. 23 by the California State Lands
Commission by a vote of 3 to 0 at its
09-13-07 meeting.

CALENDAR ITEM
C23

A 5, 9

09/13/07

PRC 8758

W 26225

S 6

V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Zackry T. Alber

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

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

LEASE TERM:

Ten years, beginning September 13, 2007.

CONSIDERATION:

Uncovered floating boat dock, two 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 with combined coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On January 26, 2004, the Applicant purchased the upland property and
the uncovered floating boat dock, two pilings, and ramp existed at that
time. The dock facilities were constructed in 2001 and bank protection
has existed for many years; however, none of these improvements were

CALENDAR ITEM NO. C23 (CONT'D)

previously authorized by the Commission. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use.

3. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
4. The Applicant qualifies for the rent free use of the floating boat dock, pilings, and ramp because the Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling.
5. **Uncovered Floating Boat Dock, Two Pilings, and Ramp:** 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

6. **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 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.

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 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.

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APPROVALS OBTAINED:

U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service, and the National Oceanic and Atmospheric Administration Fisheries

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK, TWO PILINGS, AND RAMP: 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

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

AUTHORIZATION:

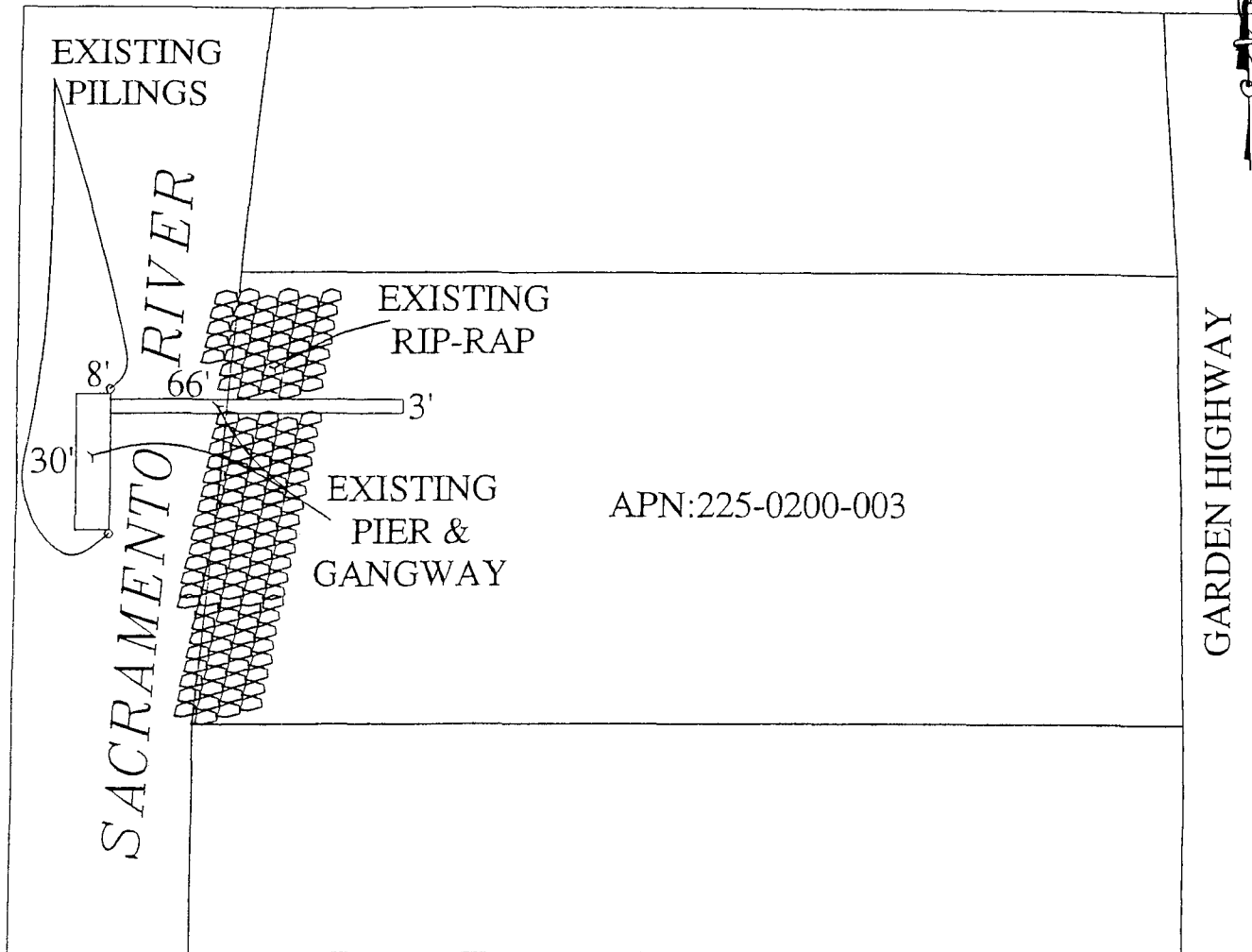
AUTHORIZE ISSUANCE TO ZACKRY T. ALBER OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING SEPTEMBER 13, 2007, FOR A TERM OF TEN YEARS, FOR THE RETENTION, USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, TWO PILINGS, RAMP, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR

CALENDAR ITEM NO. C23 (CONT'D)

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

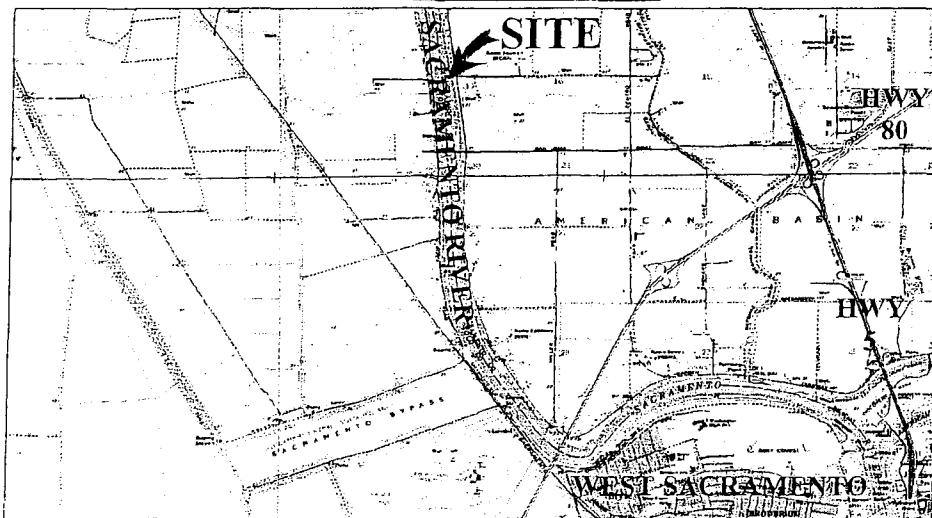
SITE



3025 Garden Highway, Sacramento River

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 26225
ALBER

APN: 225-0200-003
GENERAL LEASE
RECREATIONAL &
PROTECTIVE STRUCTURE
SACRAMENTO COUNTY



MJF 7/13/07

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.