

MINUTE ITEM
This Calendar Item No. C24 was approved as
Minute Item No. 24 by the California State Lands
Commission by a vote of 3 to 0 at its
09-13-07 meeting.

**CALENDAR ITEM
C24**

A 9
S 6

09/13/07
WP 4062.9
V. Caldwell
PRC 4062

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

LESSEE:

Diane E. Truly, Trustee of the Diane E. Truly Revocable Trust Dated October 25, 1994

APPLICANTS:

Jeffrey A. Hunt and Jennifer L. Hunt

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use, and maintenance of an existing covered floating boathouse, gangway, dolphin, three wood pilings and the retention of existing bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning September 13, 2007.

CONSIDERATION:

Covered Floating Boathouse, 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 action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$500,000.

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OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On June 27, 2000, the Commission authorized a ten-year Recreational Pier Lease to Diane E. Truly, Trustee of the Diane E. Truly Revocable Trust Dated October 25, 1994. That lease will expire on June 10, 2010. The ownership of the upland has since been transferred to Jeffrey A. Hunt and Jennifer L. Hunt. The Applicants are now applying for a new General Lease - Recreational and Protective Structure Use.
3. The existing bank protection was not previously authorized by the Commission, however, it provides a benefit to the public and the Applicants, as the bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
4. The Applicants qualify for the rent free use of the covered floating boathouse and gangway because they are natural persons who own the littoral land that is improved with a single-family dwelling.
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 Covered Floating Boathouse, Dolphin, Three Wood Pilings, and Gangway:** 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.

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7. **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.

8. 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.

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 COVERED FLOATING BOATHOUSE, DOLPHIN, THREE WOOD PILINGS, AND GANGWAY: 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).

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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.

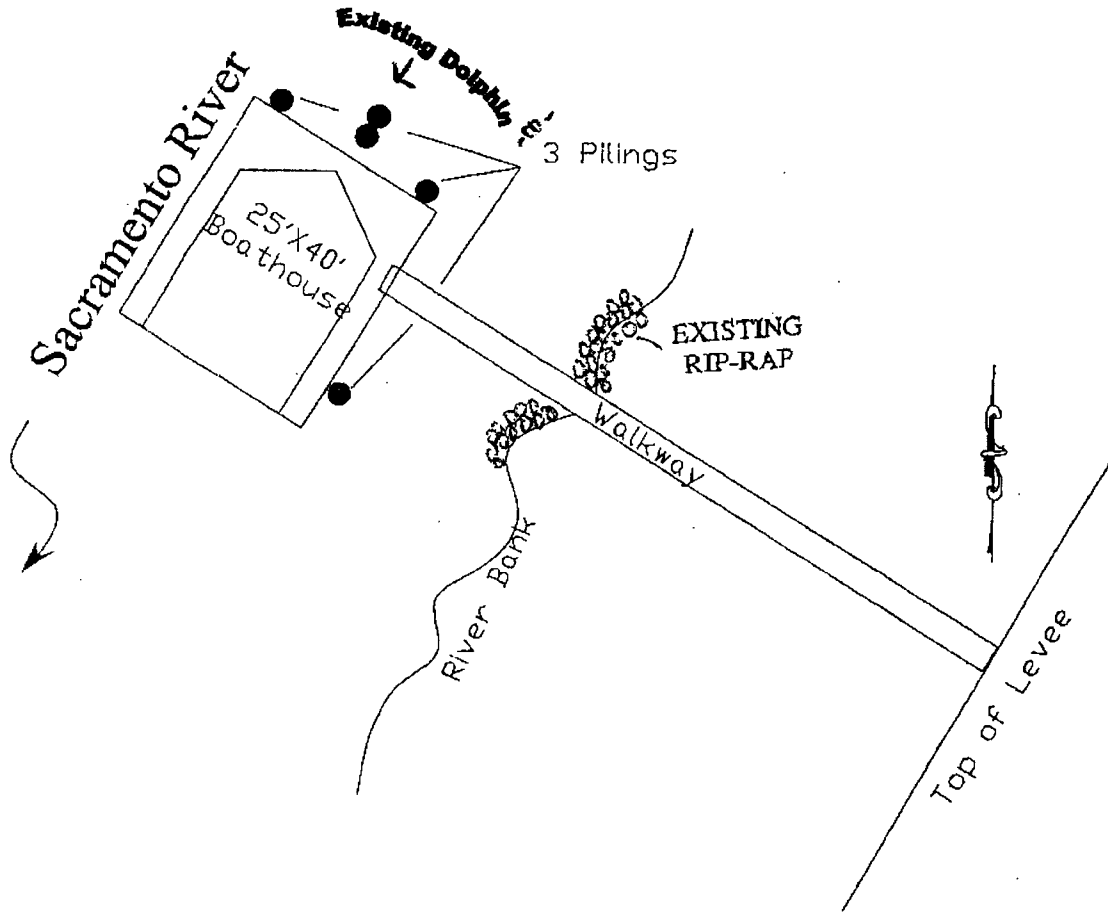
AUTHORIZATION:

1. AUTHORIZE TERMINATION, EFFECTIVE SEPTEMBER 12, 2007, OF LEASE NO. PRC 4062.9, A RECREATIONAL PIER LEASE, ISSUED TO DIANE E. TRULY, TRUSTEE OF THE DIANE E. TRULY REVOCABLE TRUST DATED OCTOBER 25, 1994.

2. AUTHORIZE ISSUANCE TO JEFFREY A. HUNT AND JENNIFER L. HUNT, OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING SEPTEMBER 13, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING COVERED FLOATING BOATHOUSE, DOLPHIN, THREE WOOD PILINGS, AND GANGWAY AND THE RETENTION OF EXISTING BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE COVERED FLOATING BOATHOUSE, DOLPHIN, PILINGS, AND GANGWAY; 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.

SITE MAP

NO SCALE



925 Piedmont Drive, Sacramento

NO SCALE

LOCATION MAP

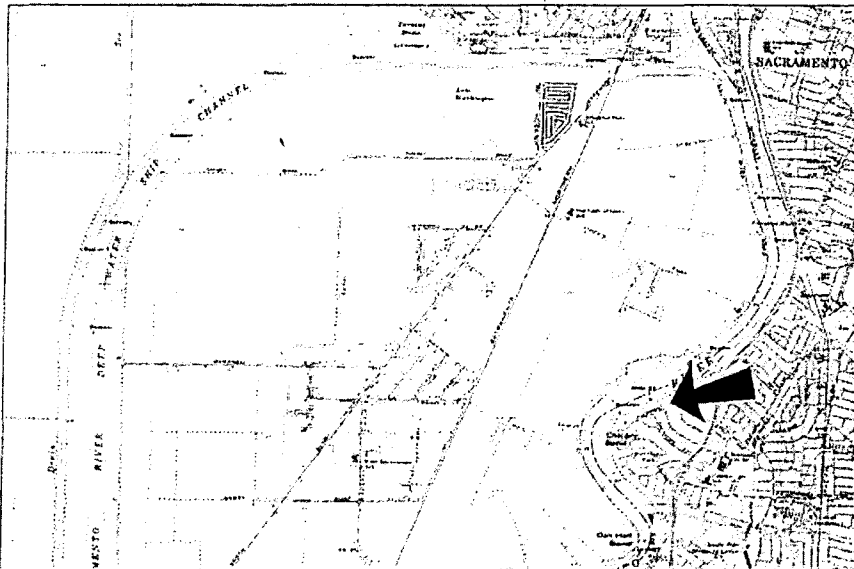


Exhibit A
PRC 4062.9
HUNT
 General Lease
 Recreational and
 Protective Structure Use
 Sacramento County



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

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