

MINUTE ITEM

This Calendar Item No. C26 was approved as Minute Item No. 26 by the California State Lands Commission by a vote of 3 to 0 at its 09-13-07 meeting.

CALENDAR ITEM

C26

A 15

09/13/07

PRC 8760

W 22606

S 5

V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

William H. Kearns, Jr.

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Georgiana Slough, near the city of Isleton, Sacramento County.

AUTHORIZED USE:

Retention, use, and maintenance of an existing covered U-shaped floating boat dock, four steel pilings, jet ski dock, dock finger, boat lift, gangway, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning September 13, 2007.

CONSIDERATION:

Covered U-Shaped Floating Boat Dock, Four Steel Pilings, Jet Ski Dock, Dock Finger, Boat Lift, 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 with combined coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On December 14, 1983, Ted Amlick and Joyce A. Amlick received a U.S. Army Corps of Engineers permit to construct a U-shaped floating boat

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dock, pilings, and gangway; however, the dock facilities and the existing bank protection were not previously authorized by the Commission. Subsequently, the upland property was transferred to William H. Kearns, Jr. The jet ski dock, dock finger and boatlift were added at a later date. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use.

3. The Applicant qualifies for the rent free use of the covered U-shaped floating boat dock, pilings, jet ski dock, dock finger, boat lift, and gangway because the Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling.
4. The bank protection will mutually benefit both the public and the Applicant. The bank of the Georgiana Slough will have the additional protection from wave action provided at no cost to the public.
5. **Covered U-Shaped Floating Boat Dock, Four Steel Pilings, Jet Ski Dock, Dock Finger, Boat Lift, 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 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. **Existing 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.

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7. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and Sacramento County

FURTHER APPROVALS REQUIRED

The State Reclamation Board

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

COVERED U-SHAPED FLOATING BOAT DOCK, FOUR STEEL PILINGS, JET SKI DOCK, DOCK FINGER, BOAT LIFT, 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 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).

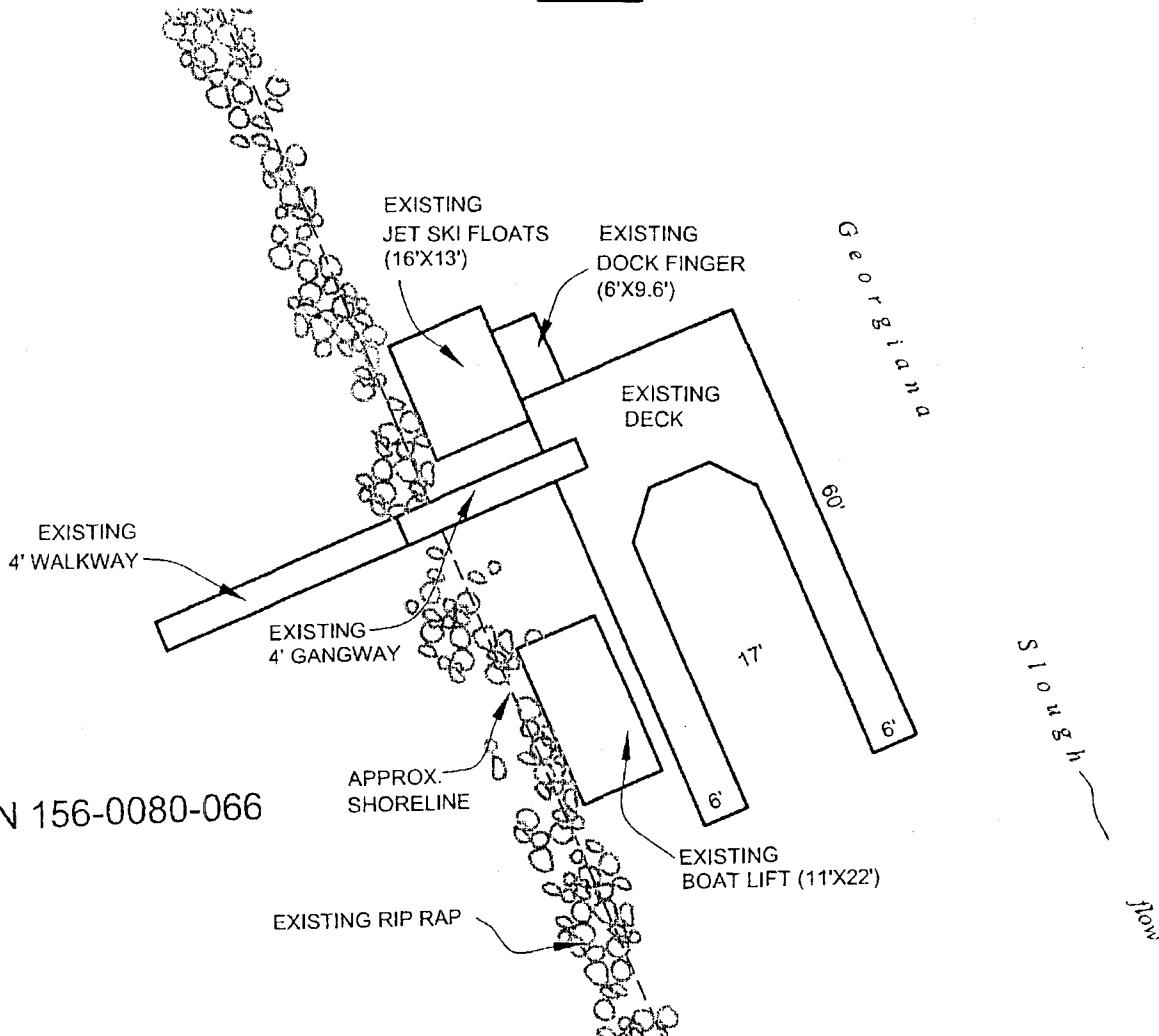
CALENDAR ITEM NO. C26 (CONT'D)

AUTHORIZATION:

AUTHORIZE ISSUANCE TO WILLIAM H. KEARNS, JR. 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 COVERED U-SHAPED FLOATING BOAT DOCK, FOUR STEEL PILINGS, JET SKI DOCK, DOCK FINGER, BOAT LIFT, GANGWAY, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE COVERED U-SHAPED FLOATING BOAT DOCK, PILINGS, JET SKI DOCK, DOCK FINGER, BOAT LIFT, 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.

NO SCALE

SITE



APN 156-0080-066

17075 TERMINOUS ROAD, ISLETON

NO SCALE

LOCATION

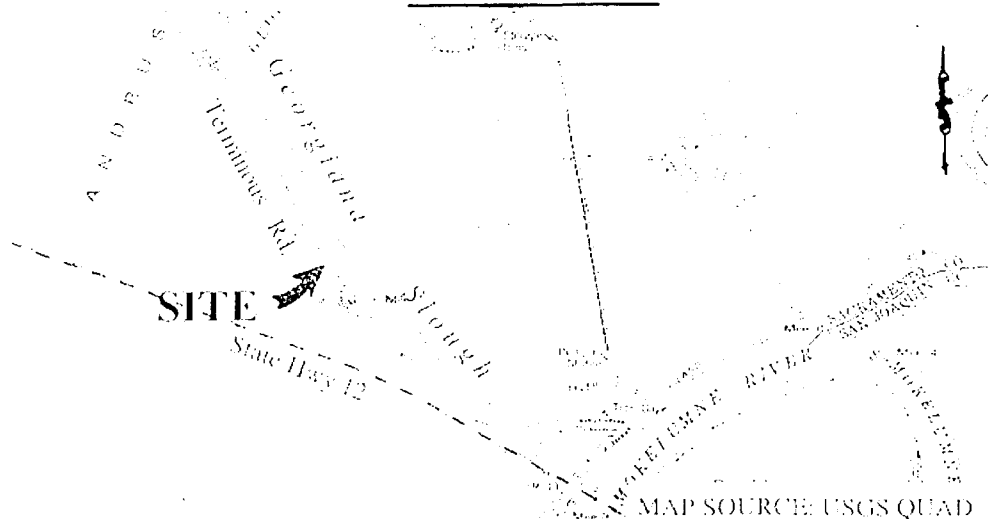


Exhibit A
 W 22606
 KEARNS JR.
 APN 156-0080-066
 GENERAL LEASE
 RECREATIONAL & PROTECTIVE
 STRUCTURE USE
 SACRAMENTO CO.



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.