

MINUTE ITEM

This Calendar Item No. C28 was approved as Minute Item No. 28 by the California State Lands Commission by a vote of 3 to 0 at its 09-13-07 meeting.

CALENDAR ITEM

C28

A 8, 15

09/13/07

PRC 8762

W 26234

S 2, 5

V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

James A. Deak and Joan Deak, as trustees under Declaration of Trust, dated July 9, 1982, entitled James A. and Joan Deak Family Revocable Trust

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 uncovered floating boat dock with an attached L-shaped dock, four wood pilings, ramp, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning September 13, 2007.

CONSIDERATION:

Uncovered Floating Boat Dock with an Attached L-Shaped Dock, Four Wood 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. Applicants own the uplands adjoining the lease premises.

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2. On August 28, 1986, the Applicants received an Army Corps of Engineers permit to construct an uncovered floating boat dock with an attached L-shaped dock, four wood pilings, and ramp; however, the dock facilities and the existing bank protection were not previously authorized by the Commission. 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 uncovered floating boat dock with an attached L-shaped dock, pilings, and ramp because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling.
4. The bank protection will mutually benefit both the public and the Applicants. The bank of the Georgiana Slough will have the additional protection from wave action provided at no cost to the public.
5. **Uncovered Floating Boat Dock with an Attached U-Shaped Dock, Four Wood 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.

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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, The State Reclamation Board, Brannan-Andrus Levee Maintenance District, and the County of Sacramento

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK WITH AN ATTACHED L-SHAPED DOCK, FOUR WOOD 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).

CALENDAR ITEM NO. C28 (CONT'D)

AUTHORIZATION:

AUTHORIZE ISSUANCE TO JAMES A. DEAK AND JOAN DEAK, AS TRUSTEES UNDER DECLARATION OF TRUST, DATED JULY 9, 1982, ENTITLED JAMES A. AND JOAN DEAK FAMILY REVOCABLE TRUST, 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 WITH AN ATTACHED U-SHAPED DOCK, FOUR WOOD 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 WITH AN ATTACHED L-SHAPED 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.

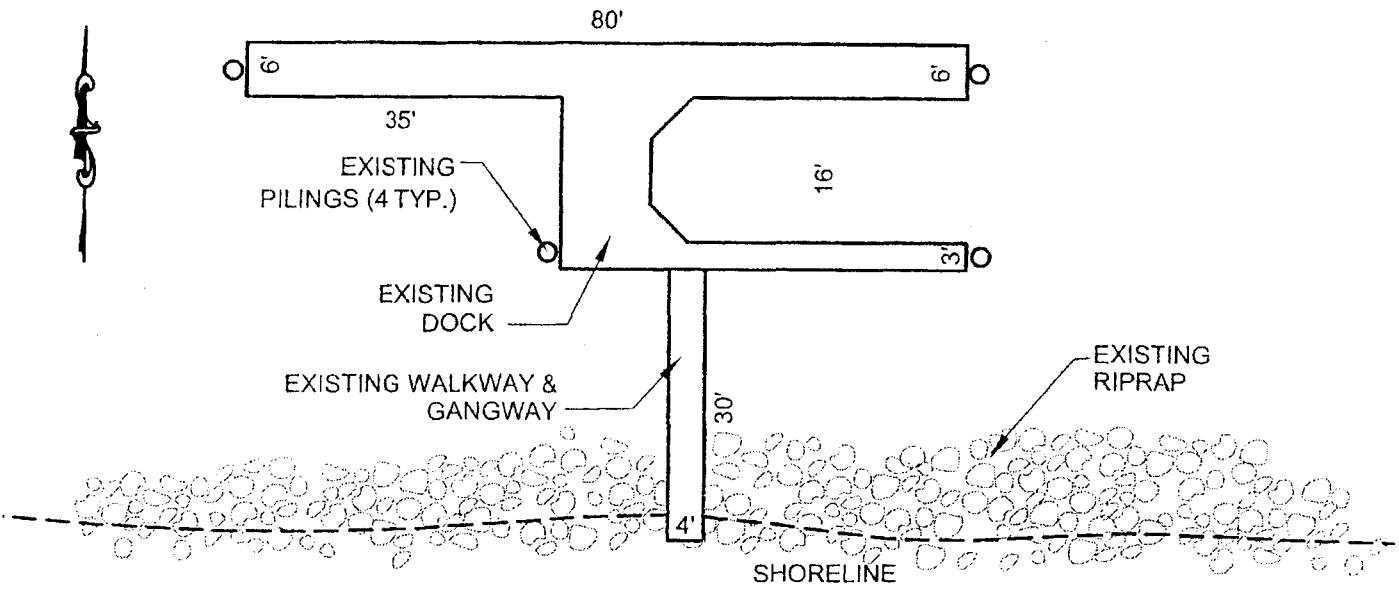
NO SCALE

SITE

Georgiana

Slough

Flow →



APN 156-0100-007

TOP OF THE SLOPE

425 W. WILLOW TREE LANE, ISLETON

NO SCALE

LOCATION

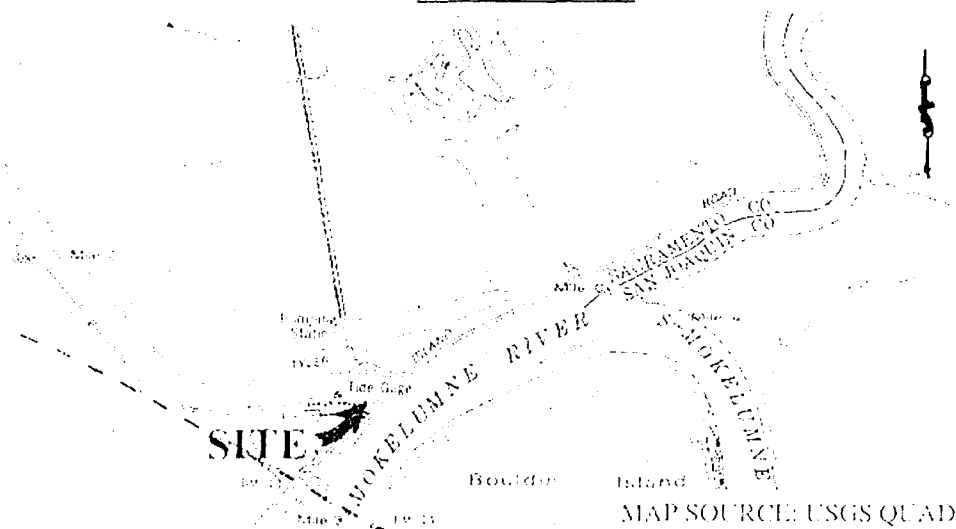


Exhibit A
 W 26234
 DEAK
 APN 156-0100-007
 GENERAL LEASE
 RECREATIONAL PIER & PROTECTIVE
 STRUCTURE USE
 SACRAMENTO CO.



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.