

MINUTE ITEM
This Calendar Item No. C29 was approved as
Minute Item No. 29 by the California State Lands
Commission by a vote of 3 to 0 at its
09-13-07 meeting.

CALENDAR ITEM

C29

A 8, 15

09/13/07

S 2, 5

PRC 8763 W 26233
V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Robert M. Amma and Donna S. Amma

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, three wood pilings, ramp, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning September 13, 2007.

CONSIDERATION:

Uncovered Floating Boat Dock, Three 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.
2. On August 19, 1986, James and Joan Deak received a U.S. Army Corps of Engineers permit to construct an uncovered floating boat dock, three wood pilings, and a ramp. On September 9, 1988, the uplands transferred from the Deaks to Robert M. Amma and Donna S. Amma, and on

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November 16, 1988, the Applicants transferred the U.S. Army Corps of Engineers permit into their name. 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, 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, Three 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.

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

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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

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK, THREE 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).

AUTHORIZATION:


AUTHORIZE ISSUANCE TO ROBERT M. AMMA AND DONNA S. AMMA 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, THREE WOOD PILINGS, RAMP, AND BANK PROTECTION AS SHOWN ON EXHIBIT A

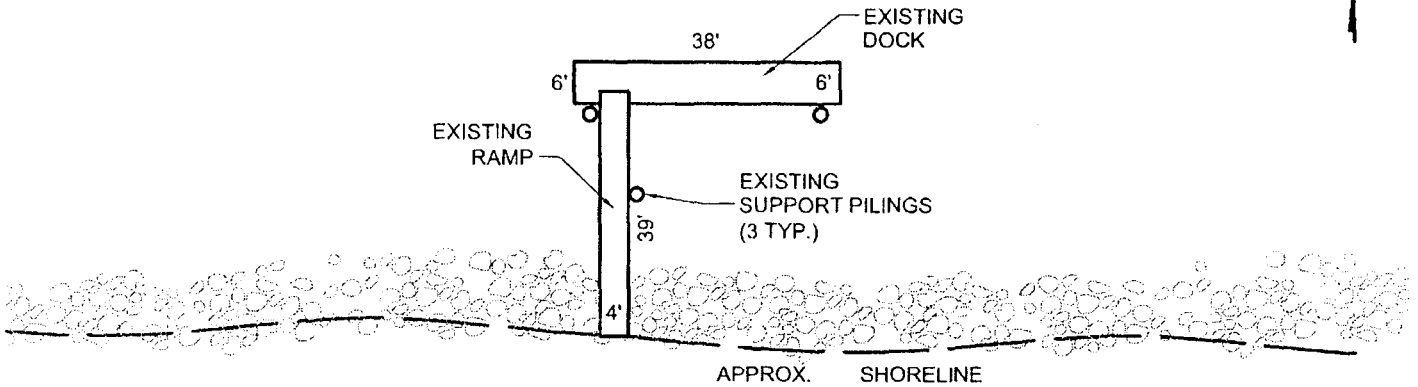
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ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF;
CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK,
PILINGS, AND RAMP: NO MONETARY CONSIDERATION PURSUANT
TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION
FOR THE BANK PROTECTION: THE PUBLIC 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

Georgiana Slough Flow 



APN 156-0100-005

TOP OF SLOPE

LEVEE MAINTENANCE ROAD

441 W. WILLOW TREE LANE, ISLETON

NO SCALE

LOCATION

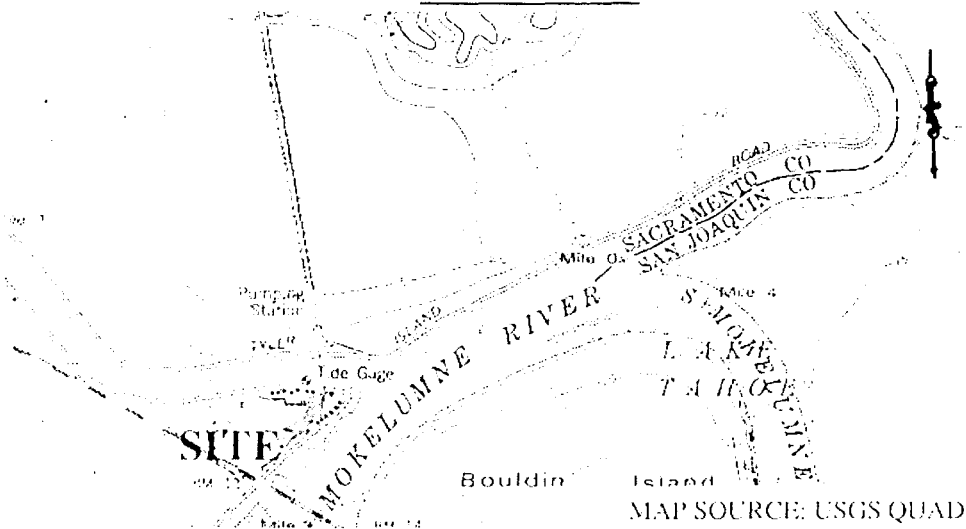


Exhibit A

W 26233
AMMA
APN 156-0100-005
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.

MJ 08/07