

MINUTE ITEM

This Calendar Item No. C18 was approved as Minute Item No. 18 by the California State Lands Commission by a vote of 2 to 0 at its 10-30-07 meeting.

CALENDAR ITEM

C18

A 2

PRC 6914

10/30/07

S 4

WP 6914

M. Clark

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Benson Kanemoto and Eileen Kanemoto, Trustees of the Benson Kanemoto and Eileen Kanemoto Revocable Trust Dated September 24, 1993

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, near the town of Anderson, Shasta County.

AUTHORIZED USE:

Continued use and maintenance of an existing seasonal uncovered floating boat dock and gangway; and the retention of bank protection consisting of concrete and rip rap as shown on Exhibit A.

LEASE TERM:

Ten years, beginning June 24, 2007.

CONSIDERATION:

Seasonal Uncovered Floating Boat Dock 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 coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On June 19, 1998, the Commission authorized a ten-year Recreational Pier Lease to Benson Kanemoto and Eileen Kanemoto, Trustees of the

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Benson Kanemoto and Eileen Kanemoto Revocable Trust Dated September 24, 1993. That lease expired June 23, 2007. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

3. Applicants qualify for the rent free use of the seasonal uncovered floating boat dock and gangway because they are natural persons who own the littoral land that is improved with a single-family dwelling. According to the Applicants, the seasonal uncovered floating boat dock and gangway are removed from State-owned land between the months of November to March or when water levels are above 2,200 cubic feet per second.
4. The bank protection at this location mutually benefits both the public and the Applicants. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.

According to the Applicants, the bank protection consisting of concrete and rip rap, existed prior to the Applicants purchasing the upland property.

5. **Seasonal Uncovered Floating Boat Dock 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.

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 Alteration to Land; Title 2, California Code of Regulations, section 2905 (d)(2).

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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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

SEASONAL UNCOVERED FLOATING BOAT DOCK 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).

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 ALTERATION 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:

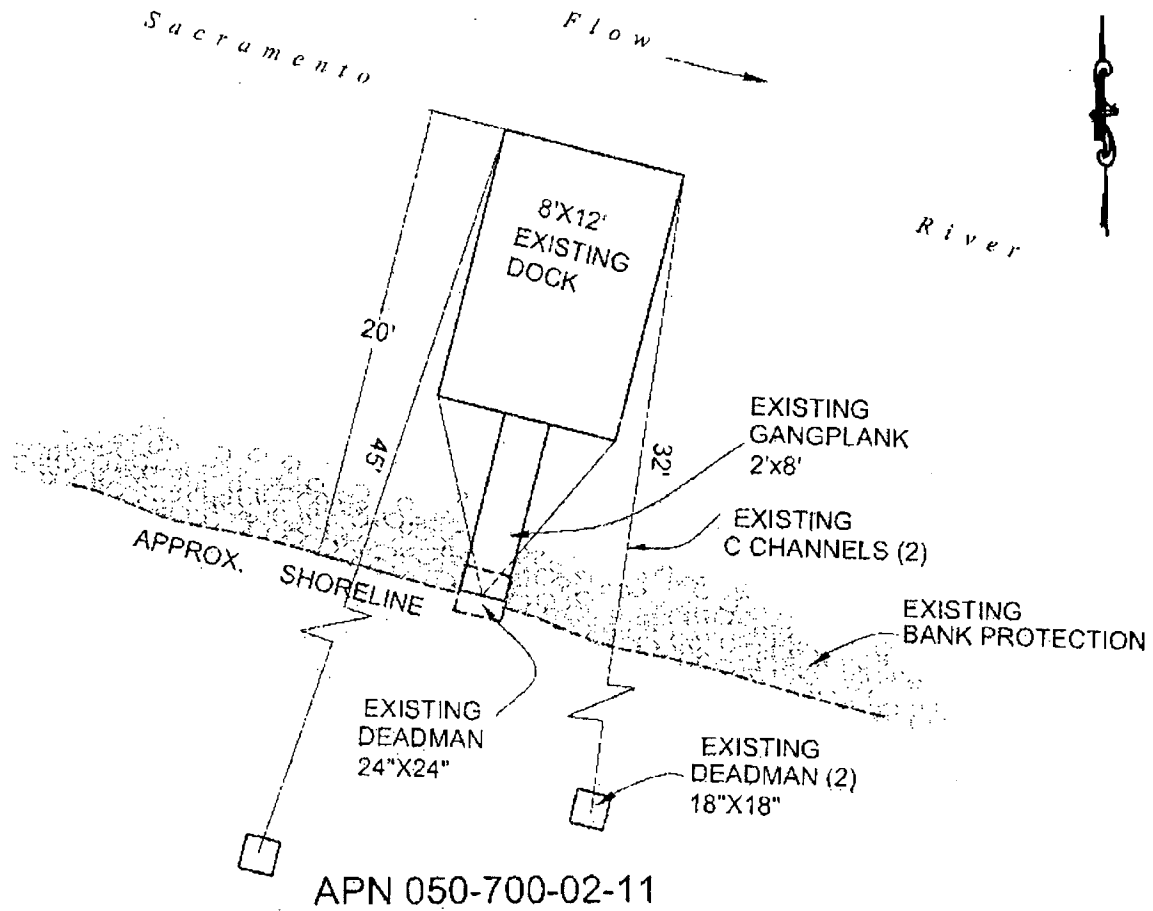
AUTHORIZE ISSUANCE TO BENSON KANEMOTO AND EILEEN KANEMOTO, TRUSTEES OF THE BENSON KANEMOTO AND EILEEN

CALENDAR ITEM NO. C18 (CONT'D)

KANEMOTO REVOCABLE TRUST DATED SEPTEMBER 24, 1993, OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING JUNE 24, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING SEASONAL UNCOVERED FLOATING BOAT DOCK AND GANGWAY; AND THE RETENTION OF BANK PROTECTION CONSISTING OF CONCRETE AND RIP RAP AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE SEASONAL UNCOVERED FLOATING DOCK AND GANGWAY: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE BANK PROTECTION CONSISTING OF CONCRETE AND RIP RAP: 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; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.

NO SCALE

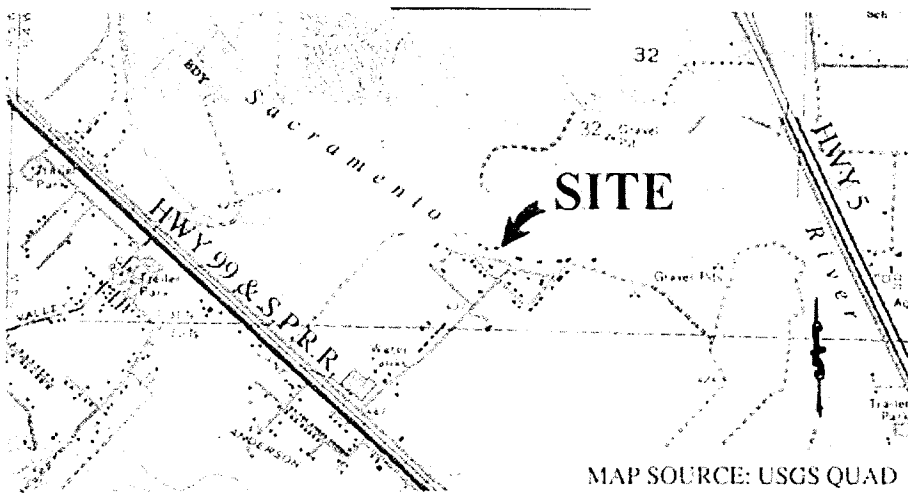
SITE



19010 RIVER CREST DRIVE, ANDERSON

NO SCALE

LOCATION



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.

Exhibit A

WP 6914.9
 KANEMOTO
 APN 050-700-02-11
 GENERAL LEASE
 RECREATIONAL & PROTECTIVE
 STRUCTURE USE
 SHASTA CO.



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