

MINUTE ITEM
This Calendar Item No. C08 was approved as
Minute Item No. 08 by the California State Lands
Commission by a vote of 3 to 0 at its
12-03-07 meeting.

CALENDAR ITEM

C08

A 5, 9

12/03/07

PRC 7091 WP 7091.9

S 6

B. Badeker

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Dale E. Hartzell

AREA, LAND TYPE, AND LOCATION:

0.10 acres, more or less, of sovereign lands in the Sacramento River, adjacent to the Garden Highway, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock, walkway, pilings, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning July 1, 2007.

CONSIDERATION:

Floating boat dock, walkway and pilings: 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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On August 26, 1997, the Commission authorized a General Lease – Protective Structure and Recreational Use to the Applicant beginning July 1, 1997, for a term of ten years. The lease expired on June 30, 2007. The Applicant is now applying for a new General Lease – Recreational and

CALENDAR ITEM NO. C08 (CONT'D)

Protective Structure Use for the existing floating boat dock, walkway, pilings and bank protection previously authorized by the Commission.

3. The Applicant qualifies for the rent free use of the floating boat dock, walkway and pilings because she is a natural person who owns the littoral land that is improved with a single-family dwelling.
4. The bank protection at this location mutually benefits both the public and the Applicant. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
5. 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. 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:

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).

CALENDAR ITEM NO. C08 (CONT'D)

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.

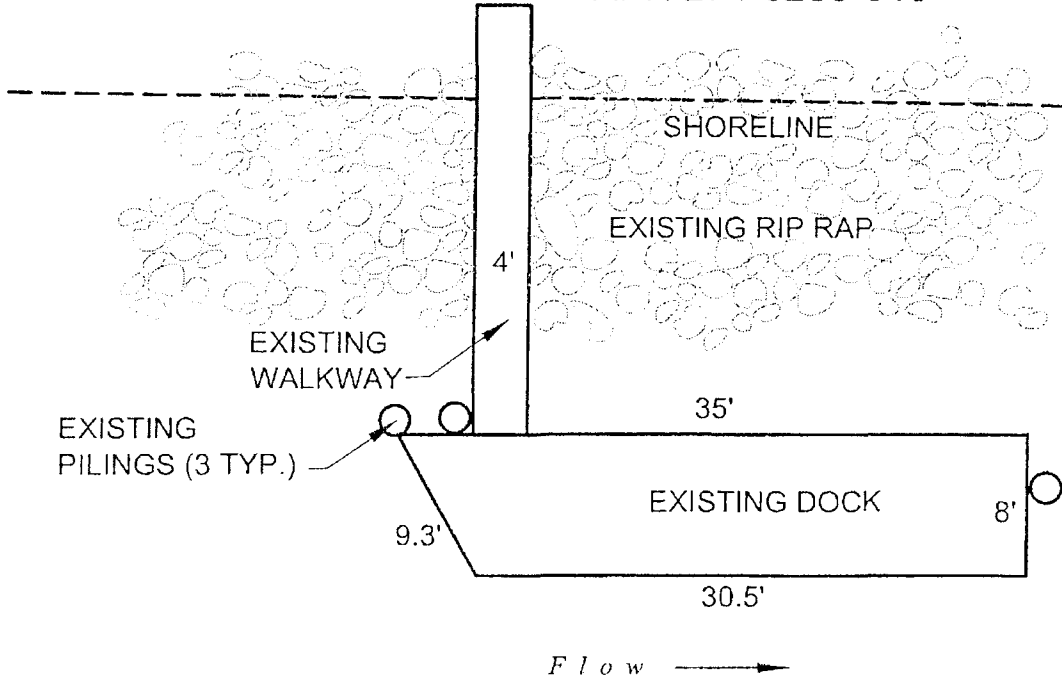
AUTHORIZATION:

AUTHORIZE ISSUANCE TO DALE E. HARTZELL OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING JULY 1, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF A FLOATING BOAT DOCK, WALKWAY, PILINGS AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE FLOATING BOAT DOCK, WALKWAY AND PILINGS: 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; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.

NO SCALE

SITE

APN 274-0260-019



S a c r a m e n t o R i v e r

2271 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION

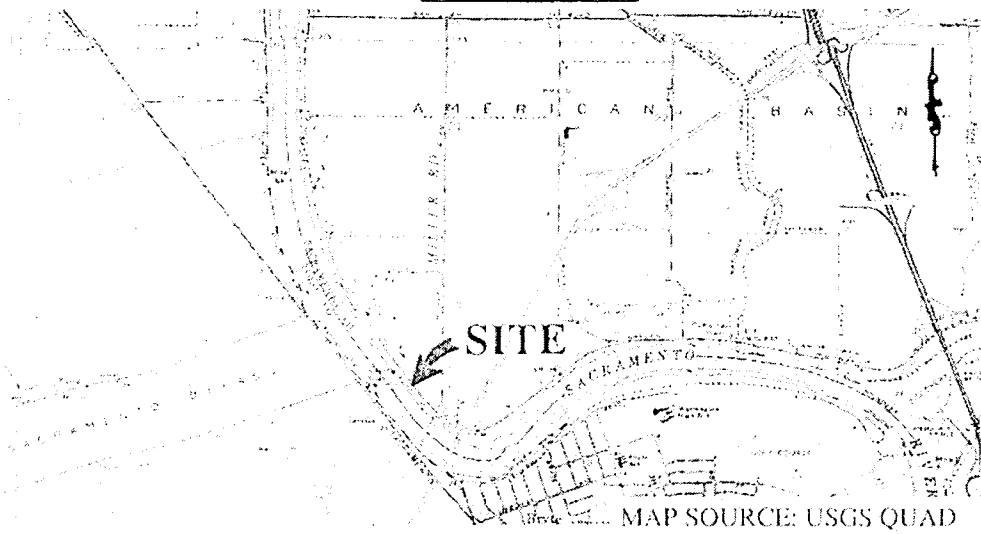


Exhibit A

WP 7091.9
 HARTZELL
 APN 274-0260-019
 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.

M17 08/07