

MINUTE ITEM
This Calendar Item No. C12 was approved as
Minute Item No. 12 by the California State Lands
Commission by a vote of 3 to 0 at its
12-03-07 meeting.

CALENDAR ITEM

C12

A 5, 9

12/03/07

PRC 7184

WP 7184.9

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V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Stephen L. Simard

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to the Garden Highway,
Sutter County.

AUTHORIZED USE:

Continued use, and maintenance of an existing uncovered single-berth floating
boat dock, dolphin, two pilings, gangway, bank protection, and the retention of an
existing boatlift as shown on Exhibit A.

LEASE TERM:

Ten years, beginning August 2, 2007.

CONSIDERATION:

Uncovered Single-Berth Floating Boat Dock with Boatlift, Dolphin, Two Pilings,
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 November 7, 1997, the Commission authorized a General Lease –
Recreational and Protective Structure Use to Stephen L. Simard. That

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lease expired on August 1, 2007. 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 uncovered single-berth floating boat dock with boatlift, dolphin, two pilings, 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 Sacramento River will have the additional protection from wave action provided at no cost to the public.
5. **Uncovered Single-Berth Floating Boat Dock, Dolphin, Two Pilings, Gangway and 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 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. **Boatlift:** 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.

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.

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EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED SINGLE-BERTH FLOATING BOAT DOCK, DOLPHIN, TWO PILINGS, RAMP AND 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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

BOATLIFT: 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).

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 STEPHEN L. SIMARD, OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING AUGUST 2, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED SINGLE-BERTH FLOATING BOAT DOCK, DOLPHIN, TWO PILINGS, GANGWAY, BANK PROTECTION, AND THE RETENTION OF AN EXISTING BOATLIFT AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED SINGLE-BERTH FLOATING BOAT DOCK WITH BOATLIFT, DOLPHIN, TWO PILINGS, AND

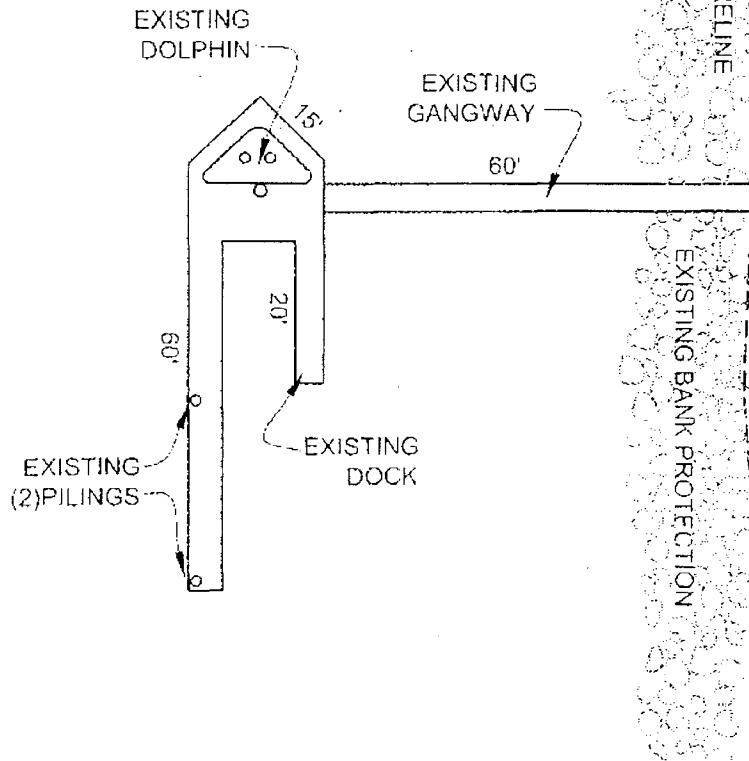
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GANGWAY: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE BANK PROTECTION: THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.

NO SCALE

SITE

Sacramento River
Flow

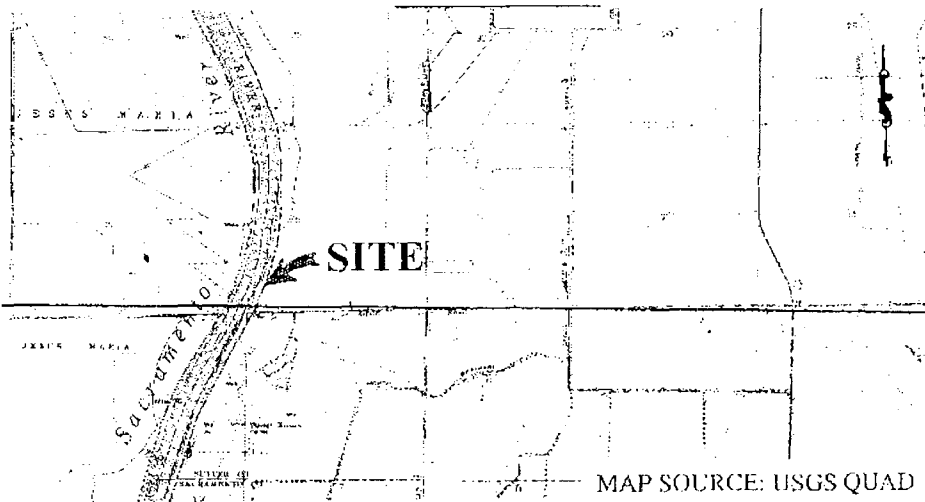


APN 35-352-00

7901 GARDEN HIGHWAY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 7184.9
SIMARD
APN 35-352-004
GENERAL LEASE
RECREATIONAL & PROTECTIVE
STRUCTURE USE
SACRAMENTO COUNTY



SITE

MI 1197

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.

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