

**CALENDAR ITEM
C22**

A 8
S 4

03/25/08
WP 7968.1
V. Caldwell

GENERAL LEASE - COMMERCIAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Ida Pearl Weber and Jim Darrell Weber

AREA, LAND TYPE, AND LOCATION:

1.09 acres, more or less, of filled and unfilled sovereign lands in the Sacramento River, near Rio Vista, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of six existing fishing platforms; two concrete pads; a portion of a covered patio and deck; bank protection; and retention of existing fill, used in conjunction with a commercial recreational vehicle park, as shown on Exhibit A.

LEASE TERM:

Ten years, beginning July 1, 2007.

CONSIDERATION:

Six fishing platforms, two concrete pads, a portion of a covered patio and a deck, and fill: Annual rent in the amount of \$2,180 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

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 \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

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2. On July 11, 1997, the Commission authorized a ten-year General Lease – Recreational and Protective Structure Use to Herman Harry Weber and Ida Pearl Weber, Trustees of the Weber Revocable Living Trust dated May 4, 1982, for the construction and maintenance of bank protection; and the continued use and maintenance of recreational facilities associated with a commercial recreational vehicle park, known as Duck Island RV Park.

3. On November 7, 1997, the Commission further authorized an amendment to the Lease for the demolition of the previously authorized seven concrete fishing platforms; the construction of five new 15-foot by 16-foot concrete fishing platforms; and the use of an existing 7-foot by 45-foot concrete deck area, formerly called a fishing platform. A portion of a covered patio and deck that were previously authorized and two fishing platform concrete pads on the lease premises have remained unchanged. Subsequently, the property was deeded to Ida Pearl Weber and Jim Darrell Weber. The lease expired on June 30, 2007. The Applicants are now applying for a new General Lease - Commercial and Protective Structure Use.

4. In addition to the previously authorized improvements, staff has determined, after additional boundary review and analysis, that the lawn areas between, under, and around the fishing platforms are filled sovereign lands and subject to annual rent.

5. The bank protection will mutually benefit 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.

6. **Six existing fishing platforms, two concrete pads, a portion of a covered patio and deck, 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).

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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. **Retention of existing fill:** 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 CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; Title 14 California Code of Regulations, section 15304(c).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

8. 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.

EXHIBITS:

- A. Site and Location Map
- B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

SIX EXISTING FISHING PLATFORMS, TWO CONCRETE PADS, A PORTION OF A COVERED PATIO AND DECK, 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).

RETENTION OF EXISTING FILL: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS

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A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND; TITLE 14 CALIFORNIA CODE OF REGULATIONS, SECTION 15304(c).

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 OF A GENERAL LEASE - COMMERCIAL AND PROTECTIVE STRUCTURE USE, TO IDA PEARL WEBER AND JIM DARRELL WEBER, BEGINNING JULY 1, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF SIX EXISTING CONCRETE FISHING PLATFORMS, TWO CONCRETE PADS, A PORTION OF A COVERED PATIO AND DECK, BANK PROTECTION AND THE RETENTION OF EXISTING FILL AS SHOWN ON EXHIBIT A AND AS DESCRIBED ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR SIX EXISTING FISHING PLATFORMS, TWO CONCRETE PADS, A PORTION OF A COVERED PATIO AND DECK, AND EXISTING FILL; ANNUAL RENT IN THE AMOUNT OF \$2,180, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; 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 \$1,000,000.