

**CALENDAR ITEM
C28**

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S 6

03/25/08
WP 6998.9
V. Caldwell

AMENDMENT OF LEASE

LESSEE:

Michael Kevin McRae

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, ramp, and bank protection as shown on Exhibit A

LEASE TERM:

Ten years, beginning August 28, 2006.

CONSIDERATION:

Uncovered floating boat dock 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 to be in the State's best interest.

PROPOSED AMENDMENT:

Delete and replace Section 3 of the lease with the Section 3 as shown on Exhibit A and authorize the placement of an additional 100 cubic yards of bank protection. All other terms and conditions of the lease shall remain in effect without amendment.

OTHER PERTINENT INFORMATION:

1. Lessee owns the uplands adjoining the lease premises.

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2. On August 24, 2006, the Commission authorized a General Lease - Recreational and Protective Structure Use to Michael Kevin McRae. In order to stabilize the eroding river bank, the Lessee has submitted an application to amend the lease to authorize the placement of an additional 100 cubic yards of bank protection.
3. The bank protection at this location mutually benefits both the public and the Lessee. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
4. **Section 3:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

5. **New 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.

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.

APPROVALS REQUIRED:

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Game, and the State Reclamation Board

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EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

SECTION 3: PURSUANT TO THE COMMISSION'S DELEGATION OF AUTHORITY AND THE STATE CEQA GUIDELINES [TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(C)(3)], THE STAFF HAS DETERMINED THAT THIS ACTIVITY IS NOT SUBJECT TO THE PROVISIONS OF THE CEQA BECAUSE IT IS NOT A "PROJECT" AS DEFINED BY THE CEQA AND THE STATE CEQA GUIDELINES.

NEW 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).

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 THE AMENDMENT OF LEASE NO. PRC 6998.9, A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE MARCH 25, 2008, TO DELETE AND REPLACE SECTION 3 OF THE LEASE AND AUTHORIZE THE PLACEMENT OF AN ADDITIONAL 100 CUBIC YARDS OF BANK PROTECTION; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.