

CALENDAR ITEM  
**C17**

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S 6

05/05/08  
W 26229  
C. Hudson

**GENERAL LEASE – RECREATIONAL AND  
PROTECTIVE STRUCTURE USE**

**APPLICANT:**

W. Wayne Herman

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in the Sacramento River, adjacent to 2295 Garden Highway in the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

The removal of a previously unauthorized uncovered floating boat dock and ramp; the retention of two previously unauthorized pilings and bank protection; and the construction, use, and maintenance of an uncovered floating boat dock with a slip, two additional pilings, and a gangway as shown on the attached Exhibit A.

**LEASE TERM:**

Ten years, beginning May 5, 2008.

**CONSIDERATION:**

**Uncovered Floating Boat Dock with Slip, Four 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 in the amount of no less than \$500,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the uplands adjoining the lease premises.

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2. On January 22, 1999, the Applicant purchased the upland property and the uncovered floating boat dock, two pilings, ramp, and bank protection were existing at that time. While the Applicant stated that the dock facilities and bank protection have existed at the site for years, they have not been previously authorized by the Commission. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use. The proposed lease includes the removal of a previously unauthorized uncovered floating boat dock and ramp; the retention of two previously unauthorized pilings and bank protection; and the construction, use, and maintenance of a 26-foot by 36-foot uncovered floating boat dock with a slip, two additional pilings, and a gangway.
3. The Applicant qualifies for rent free use of the uncovered floating boat dock with slip, pilings, and gangway because the Applicant is a natural person who owns the littoral land that is improved with a single family dwelling pursuant to Public Resource Code section 6503.5.
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. **The Removal of the Uncovered Floating Boat Dock and Ramp; The Retention of Two Pilings; and The Construction, Use, and Maintenance of an Uncovered Floating Boat Dock, Two Pilings, and A 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 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.
6. **Existing, But Previously Unauthorized 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 14, California Code of Regulations, section 15304.

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

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.

**APPROVALS OBTAINED:**

California Department of Fish and Game

**FURTHER APPROVALS REQUIRED:**

U.S. Army Corps of Engineers, NOAA Fisheries, U.S. Fish and Wildlife Service, Central Valley Flood Protection Board, and the California Regional Water Quality Control Board

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**THE REMOVAL OF THE UNCOVERED FLOATING BOAT DOCK AND RAMP; THE RETENTION OF TWO PILINGS; AND THE CONSTRUCTION, USE, AND MAINTENANCE OF AN UNCOVERED FLOATING BOAT DOCK, TWO PILINGS, AND A 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).**

**EXISTING, BUT PREVIOUSLY UNAUTHORIZED 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 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304.

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**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 – RECREATIONAL AND PROTECTIVE STRUCTURE USE TO W. WAYNE HERMAN BEGINNING MAY 5, 2008, FOR A TERM OF TEN YEARS, FOR THE REMOVAL OF A PREVIOUSLY UNAUTHORIZED UNCOVERED FLOATING BOAT DOCK AND RAMP; THE RETENTION OF TWO PREVIOUSLY UNAUTHORIZED PILINGS AND BANK PROTECTION; AND THE CONSTRUCTION, USE, AND MAINTENANCE OF AN UNCOVERED FLOATING BOAT DOCK WITH A SLIP, TWO ADDITIONAL PILINGS, AND A GANGWAY AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5 FOR THE UNCOVERED FLOATING BOAT DOCK, WITH A SLIP, FOUR PILINGS, AND A GANGWAY; 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 WITH COVERAGE OF NO LESS THAN \$500,000.