

**CALENDAR ITEM
C11**

A 5
S 6

06/24/08
W 26187
V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

William Glen Boyd

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 3791 Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Retention, use, and maintenance of an existing single-berth covered floating boat dock, gangway, strong arm, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning December 19, 2007.

CONSIDERATION:

Covered Single-Berth Floating Boat Dock, Gangway, and Strong Arm: 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:

Insurance:

Liability insurance with combined coverage of no less than \$500,000.

Other:

The lease includes a provision that the Lessee must comply with the U.S. Army Corps of Engineers Mitigation Plan for impacts to shallow water habitat.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

CALENDAR ITEM NO. **C11** (CONT'D)

2. On October 31, 2006, an application was submitted by Charles J. Lauria for the construction of a covered, with a pitched roof, floating boat dock and gangway. In September of 2007, the dock facilities, which now include a covered floating structure held in place by a gangway and tension bar (strong arm), were constructed without prior approval from the Commission. The bank protection has existed at this site for years, but was not previously authorized by the Commission. On December 19, 2007, the upland property was deeded to William Glen Boyd. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.
3. The Applicant qualifies for the rent free use of the uncovered single-berth floating boat dock, gangway, and strong arm because the Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling pursuant to Public Resources Code Section 6503.5.
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. **Covered Single-Berth Floating Boat Dock, Gangway, and Strong Arm:** 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. **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.

CALENDAR ITEM NO. **C11** (CONT'D)

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:

U.S. Army Corps of Engineers, the Reclamation Board, and Sacramento County

APPROVALS REQUIRED:

California Department of Fish and Game, U.S. Fish and Wildlife Service and National Marine Fisheries Service

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

COVERED SINGLE-BERTH FLOATING BOAT DOCK, GANGWAY, AND STRONG ARM: 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).

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.

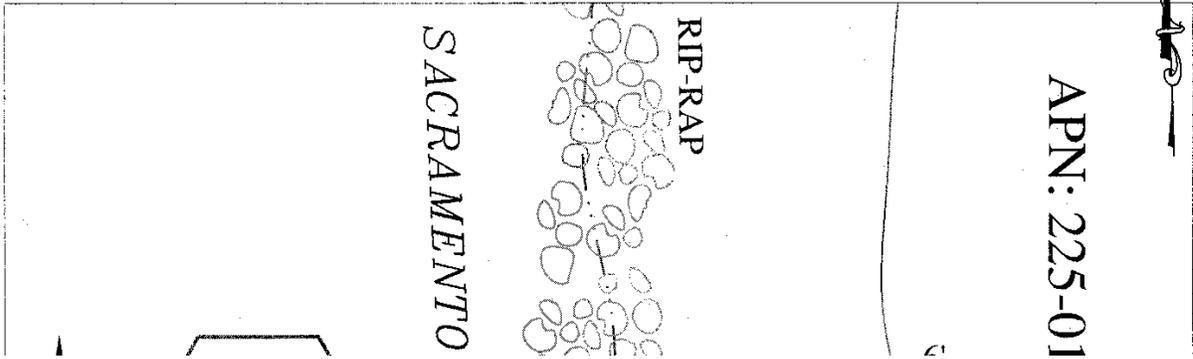
CALENDAR ITEM NO. **C11** (CONT'D)

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE TO WILLIAM GLEN BOYD BEGINNING DECEMBER 19, 2007, FOR A TERM OF TEN YEARS, FOR THE RETENTION, USE AND MAINTENANCE OF AN EXISTING COVERED SINGLE-BERTH FLOATING BOAT DOCK, GANGWAY, STRONG ARM, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE COVERED FLOATING BOAT DOCK, GANGWAY, AND STRONG ARM: 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 RENT 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



20



3791 Garden Highway, Sacramento River

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 26187
 BOYD
 APN: 225-0110-004
 GENERAL LEASE- RECREATIONAL
 & PROTECTIVE STRUCTURE USE
 SACRAMENTO COUNTY



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.