

**CALENDAR ITEM
C32**

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06/24/08
WP 5726.9
C. Hudson

GENERAL LEASE –RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Karen Patrick and William W. Jackson, as Co-Trustees of the Jana L. Jackson Revocable Trust dated March 4, 1994

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 2211 Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, electrical service for lighting, ramp, dolphin, two pilings, and the retention of bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning March 1, 2008.

CONSIDERATION:

Uncovered Floating Boat Dock, Electrical Service for Lighting, Ramp, Dolphin, and Two Pilings: 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. Applicants own the upland adjoining the lease premises.
2. On April 13, 1999, the Commission authorized a Recreational Pier Lease with Karen Patrick and William W. Jackson, as Co-Trustees of the Jana L.

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Jackson Revocable Trust dated March 4, 1994. That lease expired on February 28, 2008. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use. The lease authorizes the uncovered floating boat dock, electrical service for lighting, ramp, dolphin, two pilings, and the retention of bank protection. However, does not authorize any speed buoys or any other structures. The bank protection has existed at the site for years but was not previously authorized by the Commission.

3. Applicants qualify for rent free use because the Applicants are natural persons who own 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 Applicants. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
5. **Uncovered Floating Boat Dock, Electrical Service for Lighting, Ramp, Dolphin, and Two Pilings:** 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. **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.

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

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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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK, ELECTRICAL SERVICE FOR LIGHTING, RAMP, DOLPHIN, AND TWO PILINGS: 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).

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 ISSUANCE OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE TO KAREN PATRICK AND WILLIAM W. JACKSON, AS CO-TRUSTEES OF THE JANA L. JACKSON REVOCABLE TRUST DATED MARCH 4, 1994, BEGINNING MARCH 1, 2008, FOR A TERM OF TEN YEARS, FOR AN EXISTING UNCOVERED FLOATING BOAT DOCK, ELECTRICAL SERVICE FOR LIGHTING, RAMP, DOLPHIN, TWO PILINGS, AND THE RETENTION OF BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; FOR THE EXISTING UNCOVERED FLOATING BOAT DOCK, ELECTRICAL SERVICE FOR LIGHTING, RAMP, DOLPHIN, AND TWO PILINGS: NO MONETARY

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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.