

**CALENDAR ITEM
C06**

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V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Ronald Thompson

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 6825 Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Retention, use, and maintenance of an existing uncovered single-berth floating boat dock, three pilings, gangway, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning August 22, 2008.

CONSIDERATION:

Uncovered Single-Berth Floating Boat Dock, Three 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 with combined coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On August 12, 1980, an application was submitted by Norman R. Nordyke to the U.S. Army Corps of Engineers for the placement of approximately 1,000 cubic yards of fill material on the bank of the Sacramento River. Beginning in 1981, Commission staff began writing letters to Mr. Nordyke advising him that the bank protection would encroach on State lands and

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that he needed to apply for a lease in order to place the fill material. Mr. Nordyke never responded to staff's letters and subsequently he had the fill material placed without Commission approval. The upland property was then deeded to Ronald Thompson on October 15, 2004.

3. On May 15, 2006, an application was submitted by Mr. Thompson for an existing uncovered single-berth floating boat dock, three pilings, and gangway that was constructed in February 2006 without approval from the Commission, Mr. Thompson is now applying for a General Lease - Recreational and Protective Structure Use for the existing dock and bank protection.
4. The Applicant qualifies for the rent free use of the uncovered single-berth floating boat dock, 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 Resources Code Section 6503.5.
5. 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.
6. **Uncovered Single-Berth Floating Boat Dock, Three Pilings, and 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.

7. **Existing 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.

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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.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers

FURTHER APPROVALS REQUIRED:

The Central Valley Flood Protection Board

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED SINGLE-BERTH FLOATING BOAT DOCK, THREE PILINGS, AND 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 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 RONALD THOMPSON

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BEGINNING AUGUST 22, 2008, FOR A TERM OF TEN YEARS, FOR THE RETENTION, USE AND MAINTENANCE OF AN EXISTING UNCOVERED SINGLE-BERTH FLOATING BOAT DOCK, THREE PILINGS, GANGWAY, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK, THREE PILINGS, AND GANGWAY: 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 \$1,000,000.