

**CALENDAR ITEM  
C17**

A 8  
S 4

08/22/08  
WP 7695.9  
C. Hudson

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

**APPLICANTS:**

J. Joseph and Marilyn McDowell, Trustees of the McDowell Living Trust, UTA  
5/27/93

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

Sovereign lands in Georgiana Slough, adjacent to 16909 Terminous Road, city of  
Isleton, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing covered floating dock with a  
single berth, six pilings, and ramp, and the retention of a float and bank  
protection as shown on Exhibit A.

**LEASE TERM:**

Ten years, beginning July 19, 2008.

**CONSIDERATION:**

Covered Floating Dock with a Single Berth, Float, Six Pilings, 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 action to be in the  
State's best interest.

**SPECIFIC LEASE PROVISIONS:**

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

**OTHER PERTINENT INFORMATION:**

1. Applicants own the uplands adjoining the lease premises.
2. On February 27, 1998, the Commission authorized a Recreational Pier  
Lease with John Joseph Ingram McDowell and Marilyn S. McDowell. That  
lease expired on July 18, 2008. The upland property has since been

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deeded to J. Joseph and Marilyn McDowell, Trustees of the McDowell Living Trust, UTA 5/27/93. The float, which is used for the storage of boating equipment, and bank protection have existed at the site for many years, but were not previously authorized by the Commission. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

3. The Applicants qualify for the rent free use of the covered floating dock with a single berth, float, six pilings, and ramp 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 Georgiana Slough will have the additional protection from wave action provided at no cost to the public.
5. **Covered Floating Dock with a Single Berth, Six Pilings, and Ramp:** 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. **Float:** 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)(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. **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

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project is exempt under Class 4, Minor Alteration 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.

8. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are “significant” by nature of their public ownership (as opposed to “environmentally significant”). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project’s consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**COVERED FLOATING DOCK WITH A SINGLE BERTH, SIX PILINGS, AND RAMP:** 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).

**FLOAT:** 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)(4).

**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

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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 J. JOSEPH AND MARILYN MCDOWELL, TRUSTEES OF THE MCDOWELL LIVING TRUST, UTA 5/27/93, BEGINNING JULY 19, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF A COVERED FLOATING DOCK WITH A SINGLE BERTH, SIX PILINGS, AND RAMP, AND THE RETENTION OF A FLOAT AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE COVERED FLOATING DOCK WITH A SINGLE BERTH, FLOAT, SIX PILINGS AND RAMP: 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 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.