

**CALENDAR ITEM
C01**

A 5, 9
S 6

10/16/08
W 21190
V. Caldwell

RECREATIONAL PIER LEASE

APPLICANT:

Thomas D. Klauer, Jr., Trustee of the Thomas D. Klauer Revocable Trust,
established May 24, 2006

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 6029 Garden Highway,
near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Retention, use, and maintenance of an existing covered single-berth floating boat
dock with a boatlift and debris diverter, three pilings, personal watercraft float,
and gangway as shown on Exhibit A.

LEASE TERM:

Ten years, beginning October 16, 2008

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

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.
2. The existing floating dock was originally constructed sometime prior to 1976 after authorization by the U.S. Army Corps of Engineers (Corps) Permit No. 5851. Sometime after 1980, the dock was reconfigured into a covered single-berth floating boat dock with a boatlift and debris diverter, three pilings, personal watercraft float, and gangway, without authorization by the Commission.

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3. On September 24, 2003, the upland property was deeded to Thomas D. Klauer; subsequently, the property was placed in a trust. On January 16, 2008, an application was submitted by Thomas D. Klauer, Jr., Trustee of the Thomas D. Klauer Revocable Trust, established May 24, 2006 (Applicant), to retain the existing facilities.
4. On April 15, 2008, the Corps issued an after-the-fact letter of permission to the Applicant for the existing dock facility and the Applicant is now applying for a Recreational Pier Lease.
5. The Applicant qualifies for a Recreational Pier Lease because the Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling.
6. 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. 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

APPROVALS REQUIRED:

The Central Valley Flood Protection Board

EXHIBIT:

A. Site and Location Map

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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).

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 TEN-YEAR RECREATIONAL PIER LEASE TO THOMAS D. KLAUER, JR., TRUSTEE OF THE THOMAS D. KLAUER REVOCABLE TRUST, ESTABLISHED MAY 24, 2006, BEGINNING OCTOBER 16, 2008, FOR THE RETENTION, USE AND MAINTENANCE OF AN EXISTING COVERED SINGLE-BERTH FLOATING BOAT DOCK WITH A BOATLIFT AND DEBRIS DIVERTER, THREE PILINGS, PERSONAL WATERCRAFT FLOAT, AND 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; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.