

**CALENDAR ITEM
C12**

A 8, 15

10/16/08

S 2, 5

W 26269
V. Caldwell

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:

Richard L. Comstock and Marilyn M. Comstock, Trustees of the Comstock Trust created November 13, 2001

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Georgiana Slough, adjacent to Assessor Parcel Number 156-0080-030, in the city of Isleton, Sacramento County.

AUTHORIZED USE:

Construction, use and maintenance of an uncovered single-berth floating boat dock, six pilings, gangway, and a utility conduit as shown on Exhibit A.

LEASE TERM:

Ten years, beginning October 16, 2008.

CONSIDERATION:

\$2,749 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with combined coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. The Applicants have applied to construct an uncovered single-berth floating boat dock in Georgiana Slough. In-water construction of the dock will consist of a crane barge that will be used to install four 16-inch pilings. The dock structure components will either be set into the waterway by the crane barge or floated into place. The gangway will be supported mid-span by two eight-inch pilings and anchored to a concrete landing on the slope.

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3. Upland construction includes trenching the private patrol levee road for installation of a utility conduit onto the dock. Brannan-Andrus Levee Maintenance District has granted permission to the Applicants for the utility crossing by issuance of an encroachment permit. The utility conduit will contain electrical service for safety lighting and a water line for use of a hose.
4. The Commission previously authorized the State Reclamation Board to place and maintain bank protection at this location under Lease No. PRC 7203.9 and adjacent to the proposed boat dock. The Applicants have applied to the Central Valley Flood Protection Board formerly the Reclamation Board for approval of the dock. They are currently in the process of obtaining authorization. Once authorization is granted, Applicants are required to maintain this authorization during the term of the lease.
5. The Applicants do not qualify for a rent-free Recreational Pier Lease because the littoral property has not been improved with a single-family dwelling. The Applicants are proposing to construct a single-family residence on the upland within the next year.
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 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.

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APPROVALS OBTAINED:

U.S. Army Corps of Engineers, U. S. Fish and Wildlife Service, National Marine Fisheries Service, California Regional Water Quality Control Board, California Department of Fish and Game, Brannan-Andrus Levee Maintenance District, and Sacramento County.

APPROVALS REQUIRED:

Central Valley Flood Protection Board

EXHIBIT:

A. Site and Location Map

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).

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE - RECREATIONAL USE TO RICHARD L. COMSTOCK AND MARILYN M. COMSTOCK, TRUSTEES OF THE COMSTOCK TRUST CREATED NOVEMBER 13, 2001, BEGINNING OCTOBER 16, 2008, FOR A TERM OF TEN YEARS FOR THE CONSTRUCTION, USE, AND MAINTENANCE OF AN UNCOVERED SINGLE-BERTH FLOATING BOAT DOCK, SIX PILINGS, GANGWAY, AND A UTILITY CONDUIT AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$2,749 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.