

**CALENDAR ITEM  
C06**

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12/03/08  
WP 8494.9  
C. Hudson

**AMENDMENT OF A RECREATIONAL PIER LEASE**

**LESSEE:**

Mark O'Brien

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

Sovereign lands in the Sacramento River, adjacent to 1715 Garden Highway, city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

The construction, use and maintenance of a covered and enclosed floating boat berth, pilings, and gangway as shown on the attached Exhibit A

**LEASE TERM:**

Ten years, beginning December 1, 2003.

**CONSIDERATION:**

No monetary consideration pursuant to Public Resources Code section 6503.5.

**PROPOSED AMENDMENT:**

Amend authorized improvements to include 260 linear feet of existing bank protection and amend the consideration for the existing bank protection to be 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. All other terms and conditions of the lease shall remain in effect without amendment.

**OTHER PERTINENT INFORMATION:**

1. Lessee owns the uplands adjoining the lease premises.
2. On December 9, 2003, the Commission authorized a Recreational Pier Lease with Mark O'Brien. That lease will expire on September 30, 2013. On May 14, 2008, the Lessee submitted an application to amend the lease to include existing bank protection.

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3. The bank protection at this location mutually benefits both the public and the Lessee. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
4. 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.

5. 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, U.S. Fish and Wildlife Service, California Department of Fish and Game, and the State Reclamation 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 4, MINOR ALTERATIONS TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (b)(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.

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**AUTHORIZATION:**

AUTHORIZE AMENDMENT OF LEASE NO. PRC 8494.9, A RECREATIONAL PIER LEASE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, EFFECTIVE DECEMBER 3, 2008, TO AMEND THE AUTHORIZED IMPROVEMENTS TO INCLUDE 260 LINEAR FEET OF EXISTING BANK PROTECTION AND THE CONSIDERATION FOR THE BANK PROTECTION TO BE 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; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.