

**CALENDAR ITEM
C16**

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04/09/09
WP 5273.9
M. Clark

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Jerry W. Maddern and Dixie Louise Maddern

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Georgiana Slough, adjacent to 17151 Terminous Road, near the city of Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing boat dock with an enclosed boathouse with slip, walkway, 13 pilings, and the retention of an existing boatlift, two breakwater pilings, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning September 22, 2008.

CONSIDERATION:

Boat Dock with Enclosed Boathouse with Slip, Boat lift, Walkway, 13 Pilings, and Two Breakwater Pilings: 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 in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On February 8, 2000, the Commission authorized a Recreational Pier Lease to Jerry W. Maddern and Dixie Louise Maddern. That lease

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expired September 21, 2008. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

3. Applicants qualify for the rent free use of the existing boat dock with an enclosed boathouse with slip, boat lift, walkway, 13 pilings, and two breakwater pilings because they are natural persons who own the littoral land that is improved with a single-family dwelling.
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. **Boat House with Enclosed Boathouse with Slip, Walkway, 13 Pilings:** 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. **Boat Lift and Two Breakwater Pilings:** 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. **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).

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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:

BOAT DOCK WITH ENCLOSED BOATHOUSE WITH SLIP, WALKWAY, AND 13 PILINGS: 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).

BOAT LIFT AND TWO BREAKWATER PILINGS: 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).

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).

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AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE TO JERRY W. MADDERN AND DIXIE LOUISE MADDERN BEGINNING SEPTEMBER 22, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING BOAT DOCK WITH ENCLOSED BOATHOUSE WITH SLIP, WALKWAY, AND 13 PILINGS AND FOR THE RETENTION OF AN EXISTING BOAT LIFT, TWO BREAKWATER PILINGS, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE ENCLOSED BOATHOUSE WITH SLIP, BOAT LIFT, WALKWAY, 13 PILINGS, AND TWO BREAKWATER PILINGS: NO MONETARY CONSIDERATION FOR THE 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 \$1,000,000.