

**CALENDAR ITEM
C24**

A	8	06/01/09
S	4	WP 7418.9 V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

James C. Christie and Sally A. Christie

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 13850 State Highway 160, near the town of Walnut Grove, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating boat dock with a covered berth, two pilings, gangway, and the retention of existing bank protection.

LEASE TERM:

Ten years, beginning June 1, 2009.

CONSIDERATION:

Floating Boat Dock with a Covered Berth, Two Pilings, and Gangway: 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 \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On April 13, 1999, the Commission authorized a Recreational Pier Lease to Chiles R. Wilson and Marian Wilson, Trustees, or their successor(s) in trust, under the Chiles R. Wilson and Marian Wilson Revocable Living Trust dated January 28, 1992. That lease expired on February 28, 2009. On June 21, 2005, the upland property transferred to James C. Christie

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and Sally A. Christie. The bank protection has existed at the site for years but was not previously authorized by the Commission. The Applicants have submitted an application for a new General Lease - Recreational and Protective Structure Use.

3. The Applicants qualify for rent- free use of the floating boat dock with a covered berth, two pilings, and gangway 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 the Sacramento River will have the additional protection from wave action provided at no cost to the public.
5. While the boat berth is covered, it is made of non-load bearing material and cannot be used as a deck.
6. **Floating Boat Dock with a Covered Berth, Two Pilings, and Gangway:** 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.

7. **Existing 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 14, California Code of Regulations, section 15304.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

8. 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

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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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FLOATING BOAT DOCK WITH A COVERED BERTH, TWO PILINGS, AND GANGWAY: 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).

EXISTING 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 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304.

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 JAMES C. CHRISTIE AND SALLY A. CHRISTIE BEGINNING JUNE 1, 2009, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING FLOATING BOAT DOCK WITH A COVERED BERTH, TWO PILINGS, GANGWAY, AND THE RETENTION OF EXISTING BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE EXISTING FLOATING BOAT DOCK WITH A COVERED BERTH, TWO PILINGS, AND GANGWAY: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5;

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CONSIDERATION FOR THE 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; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.

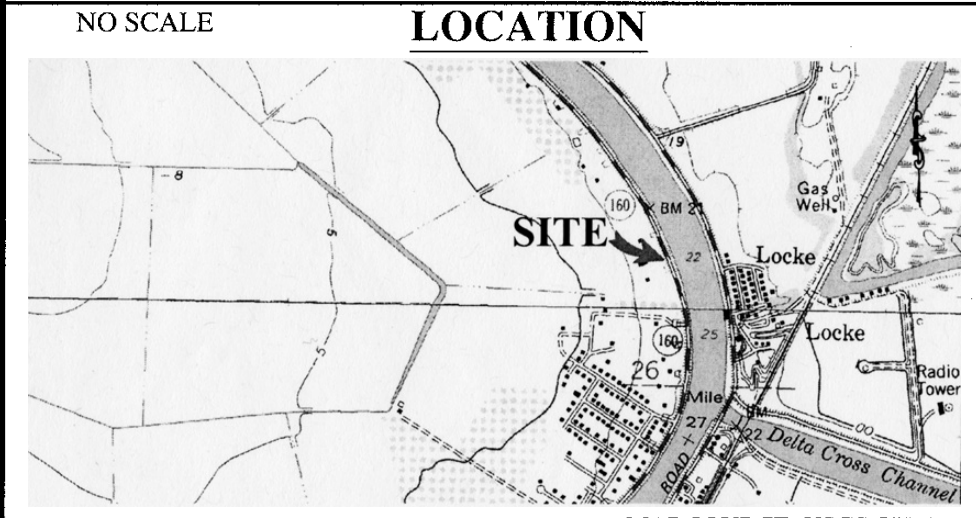
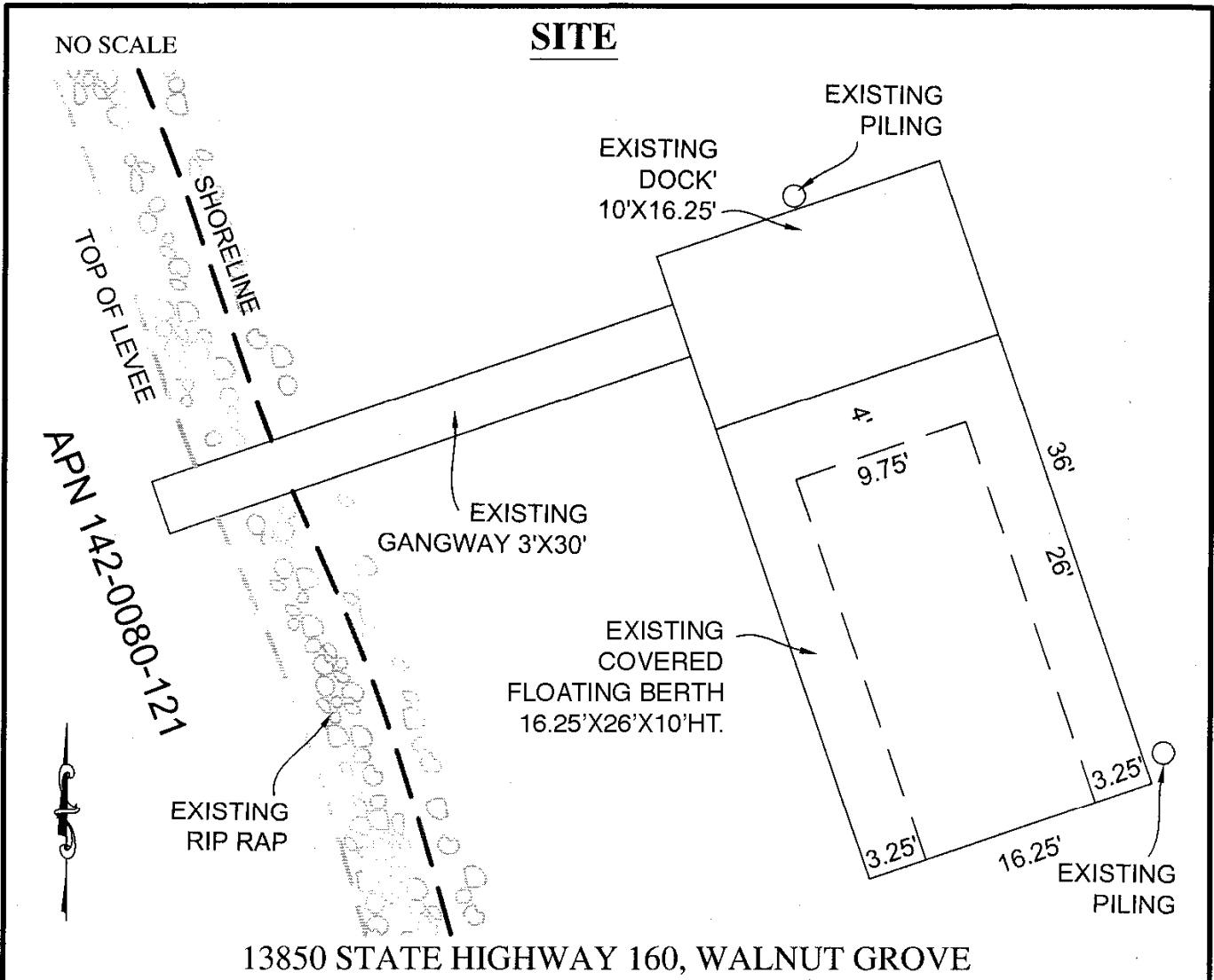


Exhibit A

WP 7418.9
CHRISTIE
APN 142-0080-121
GENERAL LEASE
RECREATIONAL & PROTECTIVE
STRUCTURE USE
SACRAMENTO CO.



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.