

**CALENDAR ITEM
C20**

A 8, 15

10/22/09

S 2, 5

WP 5564.1

V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Bert E. Blackwelder and Araminta D. Blackwelder

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 175 Edgewater Drive, in the city of Rio Vista, Solano County.

AUTHORIZED USE:

Continued use and maintenance of three existing pilings, concrete stairs, and bank protection as shown on Exhibit A.

LEASE TERM:

Six years, beginning September 27, 2008.

CONSIDERATION:

\$188 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

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:

Insurance:

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

Other:

The lease contains a provision requiring the Applicants to submit an application for the installation of a new floating dock and gangway during the term of the Lease. In the event that Applicants fail to submit an application and pursuant to the terms of the Lease, the pilings and concrete stairs must be removed upon expiration of the Lease.

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OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On June 19, 1998, the Commission authorized a General Lease - Recreational and Protective Structure Use to Bert Edward Blackwelder and Araminta Blackwelder for an existing uncovered floating boat dock, gangway, and bank protection. The upland property was subsequently deeded to Bert E. Blackwelder and Araminta D. Blackwelder. The lease expired September 26, 2008 and the Applicants are now applying for a new General Lease - Recreational and Protective Structure Use.
3. In 2006, the dock and gangway were destroyed in a storm and completely removed leaving the pilings and a portion of the stairs on the lease premises. The Applicants have requested to maintain the three pilings and concrete stairs under a new lease and will be replacing the floating dock and gangway within the term of the lease. The lease requires the removal of the pilings and stairs at the expiration of the lease in the event the Applicants do not install a new floating dock and gangway as required under the Lease.
4. The Applicants do not qualify for a rent-free Recreational Pier Lease at this time because the pilings and stairs are not associated or used for the docking or mooring of boats.
5. 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.
6. **Thee Pilings, Concrete Stairs, and 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 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. 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:

THREE PILINGS, CONCRETE STAIRS, AND 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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(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.

AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, TO BERT E. BLACKWELDER AND ARAMINTA D. BLACKWELDER BEGINNING SEPTEMBER 17, 2008, FOR A TERM OF SIX YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF THREE EXISTING PILINGS, CONCRETE STAIRS, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE PILINGS AND STAIRS: ANNUAL RENT IN THE AMOUNT OF \$188, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; 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.