

**CALENDAR ITEM
C21**

A 5, 9

10/22/09
WP 5759.9
WP 5909.9
V. Caldwell

S 6

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Maggie Fu

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 2385 Garden Highway,
Sacramento County

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock with
galvanized cables, gangway, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning October 26, 2009.

CONSIDERATION:

Uncovered Floating Boat Dock with Galvanized Cables 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:

Insurance:

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

Other:

The lease contains a provision requiring the Applicant to repair or replace
the floating dock, cables and gangway by November 1, 2010. In the event
that Applicant fails to repair or replace the dock, cables and gangway,
those facilities must be removed. Applicant is required to submit an

CALENDAR ITEM NO. **C21** (CONT'D)

application to amend the lease for the removal of the dock, cables and gangway no later than November 15, 2010.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On October 30, 1980, the Commission authorized a General Permit-Protective Structure, PRC 5909.9 to Raymond and Daphane Foster for the placement of concrete bank protection. That lease expired on September 30, 2005.
3. On September 10, 2000, the Commission authorized a recreational Pier Lease to James M. Cameron for an uncovered floating boat dock and ramp. That lease expired on October 25, 2009. On August 5, 2003, the upland property was transferred to Lawrence Fu and Maggie Fu and on February 25, 2005, the property was deeded to Maggie Fu.
4. In 2006, the dock and ramp were partially destroyed in a storm. On July 6, 2009, the Applicant submitted a plan to repair the dock within one year. The proposed lease requires the Applicant to repair or replace the dock by November 1, 2010.
5. The Applicant and Commission staff have agreed it is in the best interest of both parties to include the bank protection authorized under PRC 5909.9 and the boat dock into one lease. The Applicant has now applied for a new General Lease – Recreational and Protective Structure Use.
6. The Applicant qualifies for rent-free use of the uncovered floating boat dock with galvanized cables and gangway because the Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling pursuant to Public Resources Code Section 6503.5.
7. 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.
8. **Uncovered Floating Boat Dock with Galvanized Cables, Gangway 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 determined that this activity is exempt from the requirements of the CEQA as a categorically exempt

CALENDAR ITEM NO. **C21** (CONT'D)

project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(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.

9. 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK WITH GALVANIZED CABLES, GANGWAY, 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)(1).

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 MAGGIE FU BEGINNING OCTOBER 26, 2009, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN UNCOVERED FLOATING BOAT DOCK WITH GALVANIZED CABLES, GANGWAY, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK WITH GALVANIZED

CALENDAR ITEM NO. **C21** (CONT'D)

CABLES AND GANGWAY: NO MONETARY CONSIDERATION 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 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.