

**CALENDAR ITEM
C04**

A 5, 9
S 6

12/17/09
WP 5578.9
V. Caldwell

RECREATIONAL PIER LEASE

APPLICANT:

Curtis D. Rapton, Trustee of the Curtis D. Rapton Trust dated March 21, 2002

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 3045 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Retention, use, and maintenance of an existing uncovered floating boat dock, piling, dolphin, and gangway as shown on Exhibit A.

LEASE TERM:

Ten years, beginning December 17, 2009.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On June 19, 1998, the Commission authorized a Recreational Pier Lease to Lewis A. Winchell and Jean M. Winchell for an existing uncovered floating boat dock and hinged walkway. That lease expired on January 5, 2008.
3. Without advising the Commission, as was required in the lease, the Winchell's sold the upland property to Curtis D. Rapton, Trustee of the Curtis D. Rapton Trust dated March 21, 2002. As soon as Commission staff became aware that the upland property was sold, staff began sending letters advising the Applicant to apply for a new lease. In 2007,

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the Applicant submitted an application for a new lease. During staff's review of the application, it was determined that in 2006 the existing dock structure was replaced with a larger uncovered single-berth floating dock without prior authorization from the Commission. The modified dock is supported by floats, and is attached to the riverbed via roller pile rings to one existing wood piling and one existing wood dolphin. Access to the dock is via a gangway. On August 27, 2009, the U.S. Army Corps of Engineers issued an "After the Fact" letter of permission authorizing the retention of the new dock dimensions and configuration and the larger gangway.

4. The Applicant qualifies for a Recreational Pier Lease because the Applicant is a natural person who owns the littoral land that is improved with a single family dwelling.
5. 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.

6. 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

APPROVALS REQUIRED:

Central Valley Flood Protection Board

EXHIBIT:

- A. Site and Location Map

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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 1, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(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 TEN-YEAR RECREATIONAL PIER LEASE TO CURTIS D. RAPTON, TRUSTEE OF THE CURTIS D. RAPTON TRUST DATED MARCH 21, 2002, BEGINNING DECEMBER 17, 2009, FOR THE RETENTION, USE, AND MAINTENANCE OF AN EXISTING UNCOVERED SINGLE-BERTH FLOATING BOAT DOCK, PILING, DOLPHIN, AND GANGWAY AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.