

**CALENDAR ITEM
C17**

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GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Donald A. Olson and Stacia L. Olson

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River, adjacent to 573 West Brannan Island Road, near the city of Isleton, Sacramento County.

AUTHORIZED USE:

Construction, use, and maintenance of an uncovered floating boat dock, landing, gangway, walkway, and five pilings; and the retention of existing bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning April 6, 2010.

CONSIDERATION:

Uncovered Floating Boat Dock, Landing, Gangway, Walkway, and Five 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. Applicants own the uplands adjoining the lease premises.
2. Applicants have applied to construct an uncovered floating boat dock, landing, gangway, walkway, and five pilings, and to retain the existing bank protection. In-water construction will consist of a crane barge to

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install the five pilings. The dock will be preassembled offsite and then be set into the waterway by the crane barge or floated into place. Pursuant to the California Department of Fish and Game and NOAA Fisheries requirements, in-water construction may take place from August 1 through October 31. The U.S. Army Corps of Engineers requires that all in-water work for this project be completed no later than May 10, 2011.

3. Applicants qualify for the rent-free use of the uncovered floating boat dock, landing, gangway, walkway, and five 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 the San Joaquin River will have additional protection from wave action provided at no cost to the public.
5. **Uncovered Floating Boat Dock, Landing, Gangway, Walkway, and Five 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 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. **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 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.

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 such lands and through CEQA review process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

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APPROVALS OBTAINED:

U.S. Army Corps of Engineers, NOAA Fisheries, U.S. Fish and Wildlife Service, and California Department of Fish and Game

FURTHER APPROVAL REQUIRED:

Central Valley Flood Protection Board and Brannan-Andrus Levee Maintenance District

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Uncovered Floating Boat Dock, Landing, Gangway, Walkway, and Five Pilings: Find that the activity is exempt from the requirements of 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 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 Donald A. Olson and Stacia L. Olson beginning April 6, 2010, for a term of ten years, for the construction, use, and maintenance of an uncovered floating boat dock, landing, gangway, walkway, and five pilings; 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 uncovered floating boat dock, landing, gangway, walkway, five pilings: 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

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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.