

**CALENDAR ITEM
C10**

A	9	12/10/10
S	16	WP 7991.9 V. Caldwell

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Matthew Gnagy

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 10005 Garden Highway, near Verona, Sutter County.

AUTHORIZED USE:

Retention, use, and maintenance of an existing covered single-berth floating boat dock, four pilings, gangway, two electrical boxes, water line, and bank protection as shown on Exhibit A .

LEASE TERM:

10 years, beginning December 28, 2009.

CONSIDERATION:

Covered Single-Berth Floating Boat Dock, Four Pilings, Gangway, Two Electrical Boxes, and Water Line: 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 coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On November 7, 1997, the Commission authorized a Recreational Pier Lease to Gerald Nelson for an eight-foot by 30-foot uncovered floating boat dock and ramp. In 2006, staff became aware that the upland

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property transferred ownership in 1999 and began attempts to bring the new owner under lease. After a site visit in May 2007, staff noted that the previously authorized uncovered docking facilities had been replaced with a larger covered single-berth floating boat dock with four pilings, gangway, two electrical boxes, water line, and bank protection without prior authorization from the Commission.

3. Subsequent to the expiration of the lease on August 13, 2007, staff was informed that the upland property was in foreclosure and ,on August 20, 2009, the upland property was transferred to the lender, American Home Mortgage. On December 28, 2009, the lender sold the upland property to the Applicant. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use.
4. The Applicant qualifies for rent-free use of the covered single-berth floating boat dock, four pilings, gangway, two electrical boxes, and water line because the Applicant is a natural person who owns the littoral land that is improved with a single family dwelling.
5. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
6. **Covered Single-Berth Floating Boat Dock, Four Pilings, Gangway, Two Electrical Boxes, and Water Line:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

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

7. **Existing Bank Protection:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff determined 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.

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8. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands. Based upon the staff's consultation with the persons nominating such lands and through the CEQA review process, it is staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS REQUIRED:

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and Central Valley Flood Protection Board

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the commission:

CEQA FINDING:

Covered Single-Berth Floating Boat Dock, Four Pilings, Gangway, Two Electrical Boxes, and Water Line: 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 or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

Existing 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 Matthew Gnagy beginning December 28, 2009, for a term of 10 years, for the retention of an existing covered single-berth floating boat dock, four pilings, gangway, two electrical boxes, a water line, and bank protection as shown on Exhibit A attached and by this reference made a part hereof; consideration for the existing covered

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single-berth floating boat dock, four pilings, gangway, two electrical boxes and water line: 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 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.