

**CALENDAR ITEM
C11**

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04/06/11
WP 8221.1
V. Caldwell

GENERAL LEASE - RECREATIONAL USE

APPLICANT:

Paul A. Maddox

AREA, LAND TYPE, AND LOCATION:

0.07 acre, more or less, of sovereign land located on Georgiana Slough, adjacent to 17211 Terminous Road, near Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing single-berth floating boat dock, six pilings, gangway, and utility conduit, and retention of an existing dock cover, boatlift, and portable jet-ski dock, as shown on Exhibit A.

LEASE TERM:

10 years, beginning October 25, 2010.

CONSIDERATION:

\$2,066 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On November 27, 2000, the Commission authorized a Recreational Pier Lease to Paul A. Maddox. That lease expired on October 24, 2010. The Applicant is applying for a new Recreational Pier Lease.
3. The Applicant does not qualify for a rent-free Recreational Pier Lease, pursuant to Public Resources Code, section 6503.5, because the littoral property is not improved with a single-family dwelling. The Applicant plans to build a residence in the future and will apply to amend the current

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General Lease - Recreational Use when the house is built and occupied by the Applicant.

4. The boat dock was constructed with a cover, without prior authorization from the Commission. The Applicant also installed a portable jet-ski dock and a boatlift on the Lease Premises without obtaining prior authorization.
5. The Commission has authorized the State Reclamation Board to place bank protection at this location under Lease No. PRC 7203.9. Jurisdiction has been granted to Brannan-Andrus Levee Maintenance District. The Applicant is required to maintain this permission during the term of the lease.
6. **Single-Berth Floating Boat Dock, Six Pilings, Gangway and Utility Conduit:** 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 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. **Dock Cover, Portable Jet-Ski Dock, and Boatlift:** 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 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.

8. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code section 6370, et. seq. However, the Commission has declared that all lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code section 6370, et seq., use classification for such lands have not been

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designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

EXHIBIT:

- A. Site and Location Plan

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Single-Berth Floating Boat Dock, Six Pilings, Gangway, and Utility Conduit: 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 1, Existing Facilities; Title 2, California Code of Regulations, section 2905(a)(2).

Dock Cover, Portable Jet-Ski Dock, and Boatlift: 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.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational Use to Paul A. Maddox beginning October 25, 2010, for a term of 10 years, for the continued use and maintenance of an existing single berth floating boat dock, six pilings, gangway, and utility conduit, and retention of an existing dock cover, portable jet-ski dock, and boatlift as shown on Exhibit A attached and by this reference made a part hereof; annual rent in the amount of \$2,066 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.