

**CALENDAR ITEM  
C13**

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S 6

09/01/11  
W 26255  
V. Caldwell

**GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE**

**APPLICANTS:**

Mark D. Copeland and Kathleen A. Copeland, Trustees of the Copeland Family Trust, established November 19, 1999

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Sacramento River, adjacent to 6575 Garden Highway, Sacramento County.

**AUTHORIZED USE:**

Construction, use, and maintenance of an uncovered single-berth floating boat dock and gangway with stairs; and use and maintenance of three existing steel pilings and bank protection not previously authorized by the Commission, as shown on Exhibit A.

**LEASE TERM:**

10 years, beginning September 1, 2011.

**CONSIDERATION:**

**Uncovered single-berth floating boat dock, three steel pilings, and gangway with stairs:** 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 upland adjoining the lease premises.

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2. In 2006, staff began working with a previous owner of the upland property to bring an existing, unauthorized covered dock and gangway under lease. In 2010, staff became aware that the upland property had been foreclosed and conducted a site inspection. Staff determined that the owner had sold the covered dock and gangway, leaving three steel pilings and bank protection on sovereign land. Subsequently, on July 12, 2010, title transferred to OWB REO, LLC as a result of the foreclosure.
3. On December 6, 2010, Mark D. Copeland and Kathleen A. Copeland, Trustees of the Copeland Family Trust, established November 19, 1999, purchased the upland property. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.
4. The Applicants are proposing to construct a new uncovered single-berth floating boat dock and gangway with stairs. The proposed dock will be assembled offsite and floated in using a boat. The gangway with stairs will be lowered into position using a barge-mounted crane. The dock and gangway with stairs will be aluminum frame construction with aluminum decking.
5. The uncovered single-berth floating boat dock, pilings, and gangway with stairs are exempt from consideration pursuant to Public Resources Code section 6503.5 because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling.
6. The bank protection will mutually benefit both the public and the Applicants. The bank of the Sacramento River will have additional protection from wave action provided at little cost to the public.
7. **New Uncovered Single-Berth Floating Boat Dock and Gangway with Stairs:** 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 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.
8. **Existing Three Steel Pilings and Bank Protection:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines

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(Title 14, California Code of Regulations, section 15061), the staff 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.

9. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 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 the 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, NOAA Marine Fisheries Service, Central Valley Flood Protection Board, Reclamation District 1000, and Sacramento County.

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**New Uncovered Single-Berth Floating Boat Dock and Gangway with Stairs:** 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).

**Existing Three Steel Pilings and 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 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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**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 section 6370, et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Mark D. Copeland and Kathleen A. Copeland, Trustees of the Copeland Family Trust, established November 19, 1999, beginning September 1, 2011, for a term of 10 years, for the construction, use, and maintenance of an uncovered single-berth floating boat dock and gangway with stairs, and the use and maintenance of three existing pilings and bank protection not previously authorized by the Commission, as shown on Exhibit A attached and by this reference made a part hereof; consideration for the uncovered single-berth floating boat dock, three pilings, and gangway with stairs: 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.