

**CALENDAR ITEM
C16**

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02/22/13
PRC 4809.1
R. Boggiano

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Frank E. Silva, Jr. and Angela Silva

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 17364 Grand Island Road, near the city of Isleton, Sacramento County

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, gangway, and pier previously authorized by the Commission, and existing bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning February 28, 2013.

CONSIDERATION:

Uncovered Floating Boat Dock, Gangway, and Pier: \$100 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

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. Applicants own the upland adjoining the lease premises.
2. On February 21, 2003, the Commission authorized a General Lease – Recreational Pier Lease to Frank E. Silva, Jr. and Angela Silva. That

CALENDAR ITEM NO. C16 (CONT'D)

lease will expire on February 27, 2013. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

3. The bank protection has existed at the site for several years but was not previously authorized by the Commission. 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 no cost to the public.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. 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.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

CALENDAR ITEM NO. **C16** (CONT'D)

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 Frank E. Silva, Jr. and Angela Silva beginning February 28, 2013, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, gangway, and pier previously authorized by the Commission, and existing bank protection not previously authorized by the Commission, as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the floating boat dock, gangway, and pier: \$100 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; consideration for the 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; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 4809.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 957, patented October 4, 1871, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing floating boat dock, pier, gangway, landing and two pilings lying adjacent to that parcel, as described in Grant Deed, recorded July 30, 1998 in Document No. 199807300291 in Official Records of said County.

TOGETHER WITH a 10 foot impact area.

ALSO TOGETHER WITH all those lands underlying any existing bank protection.

EXCEPTING THEREFROM any portion lying landward of the MHTL of the right bank of said river as recorded in Book 660112, Page 356 Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 12/19/12 by the California State Lands Commission Boundary Unit



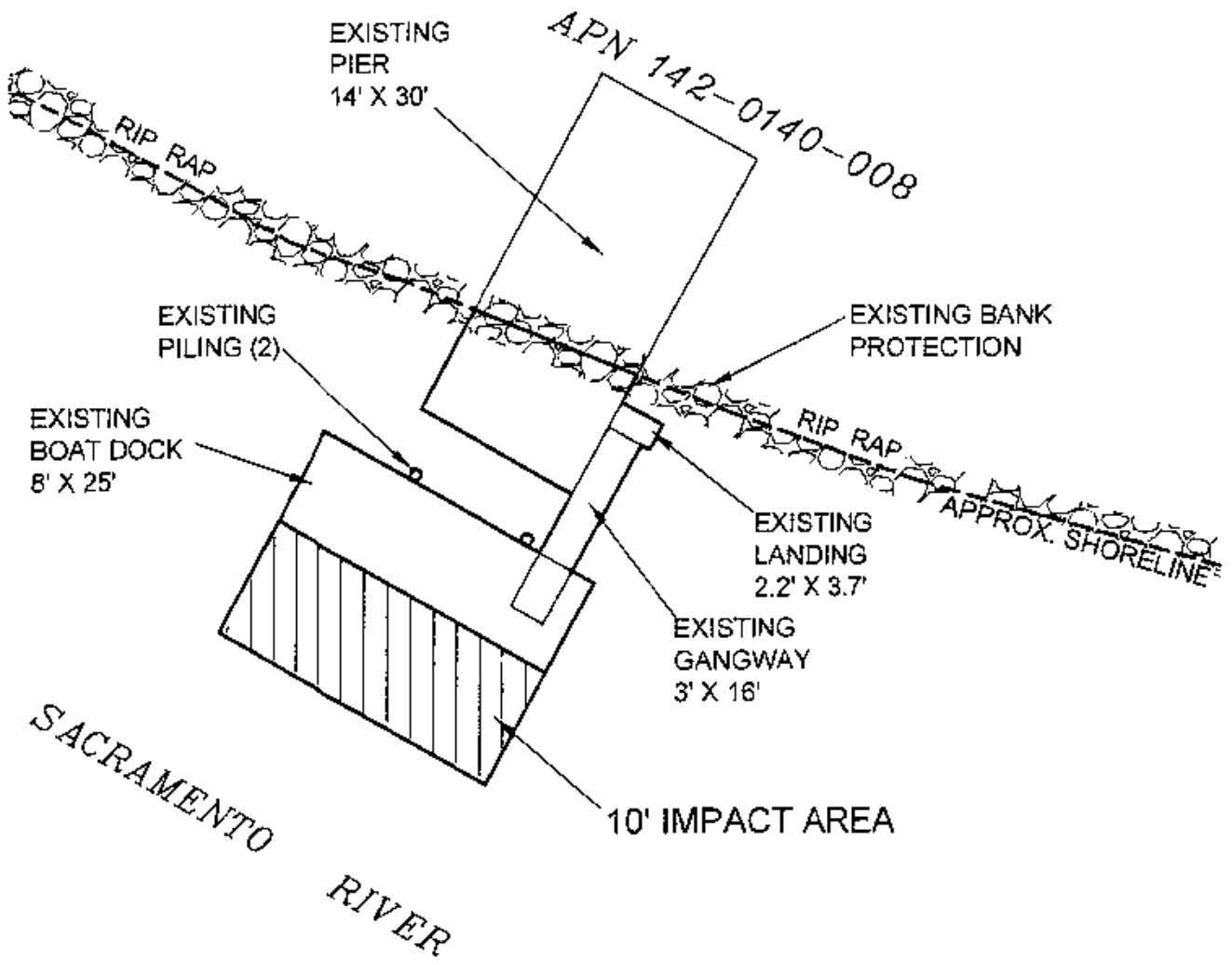
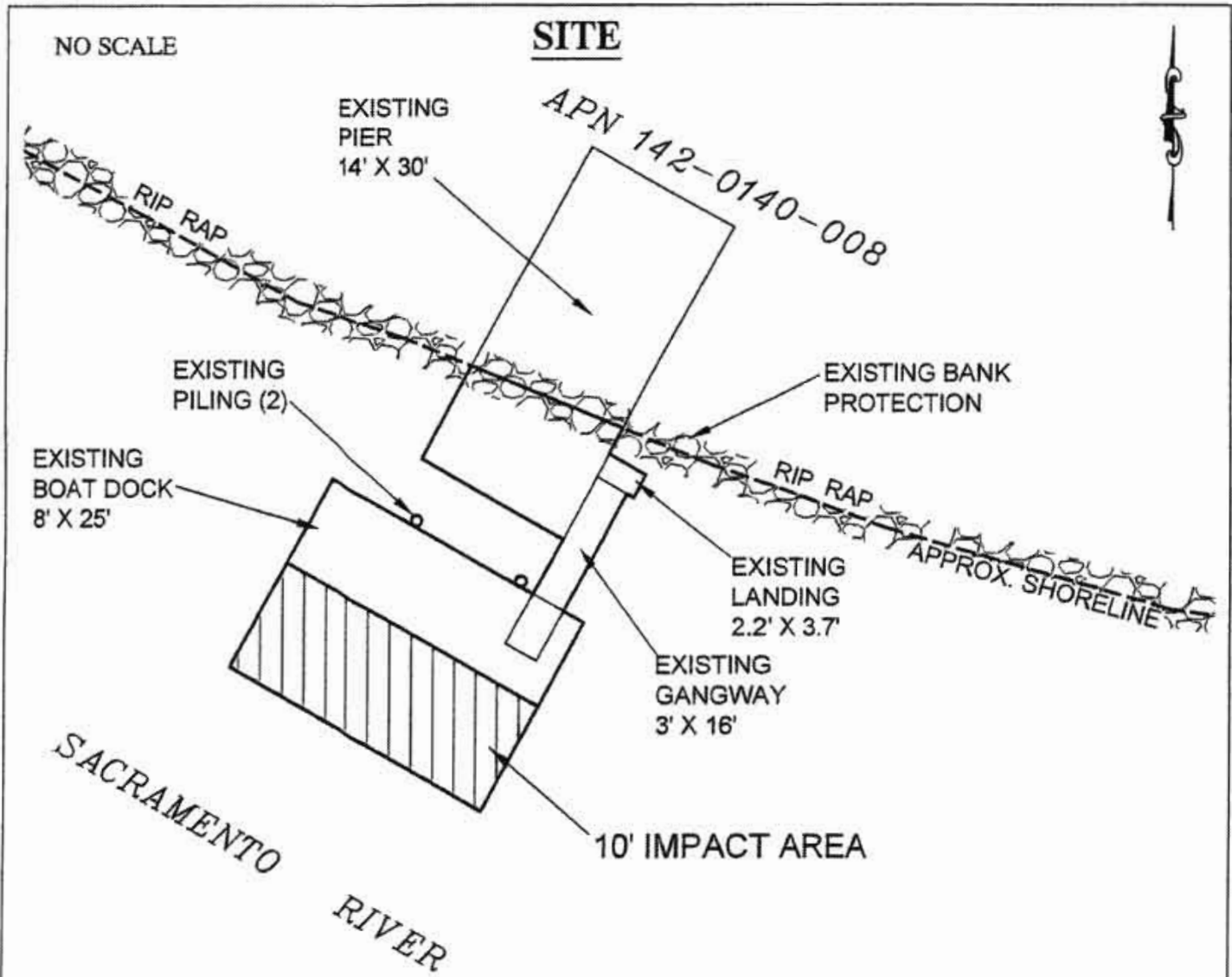


EXHIBIT A





17364 GRAND ISLAND ROAD, NEAR ISLETON

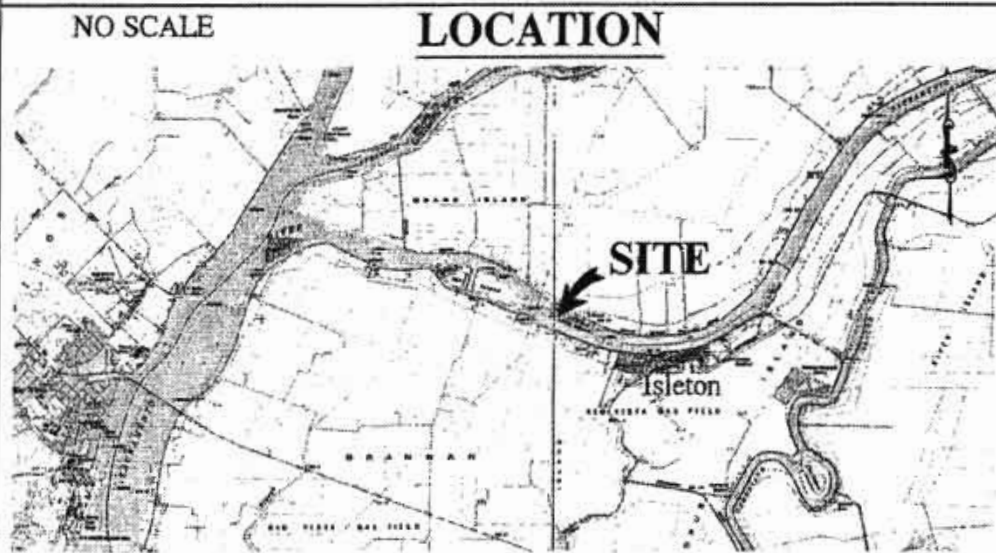


Exhibit B

PRC 4809.1
SILVA
APN 142-0140-008
GENERAL LEASE -
RECREATIONAL & PROTECTIVE
STRUCTURE USE
SACRAMENTO COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.