

**CALENDAR ITEM
C18**

A 7
S 6

02/22/13
W 26592
V. Caldwell

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Charles (Chuck) Gregory Klein and Joan E. (Joni) Klein, Co-Trustees of the Chuck and Joni Klein Family Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 2125 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Construction, use, and maintenance of an uncovered floating boat dock, two steel pilings, gangway, and utility conduit to accommodate electric and water lines; and use and maintenance of an existing concrete landing and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning February 22, 2013.

CONSIDERATION:

Proposed Uncovered Floating Boat Dock, Two Steel Pilings, Gangway, Concrete Landing, and Utility Conduit: \$190 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 PROVISION:

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

CALENDAR ITEM NO. **C18** (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. The upland property was once the site of the Bridges on the River restaurant which previously had a dock, gangway, and bank protection that did not have prior authorization from the Commission. The Applicants are proposing to remove an existing gangway lying on the bank which is all that remains of the original dock facility; and dispose of it at a nearby landfill.
3. The Applicants are proposing to construct a new uncovered floating boat dock with two steel pilings. A crane barge will be used to drive the pilings using a drop hammer pile driver. The dock will have a steel frame with an encased foam flotation and aluminum or trek-type decking. The dock and gangway will be assembled on the upland and lowered into the river using the crane barge. Two steel posts will be placed vertically on top of the bank next to the existing concrete landing as guides for the gangway to allow it to float during high water. Electrical and water conduits will be placed on the gangway providing service to the dock. Construction will be scheduled using the appropriate in-water work windows for the Sacramento River. The bank protection existed on site for many years without prior Commission approval.
4. The Applicants are now applying for a General Lease – Recreational and Protective Structure Use for the proposed dock facilities and bank protection. Staff recommends a lease, subject to the Applicants obtaining all necessary permits.
5. 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.
6. **Construction of Uncovered Floating Boat Dock, Two Pilings, Gangway, and Utility Conduit:** 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 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

CALENDAR ITEM NO. **C18** (CONT'D)

7. **Concrete Landing and Bank Protection:** The staff recommends that the Commission find that this activity is exempt from the requirements of 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.

8. 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.

APPROVAL OBTAINED:

Reclamation District 1000

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, California Department of Fish and Wildlife, California Regional Water Quality Control Board, and Central Valley Flood Protection Board.

EXHIBITS:

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

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Construction of Uncovered Floating Boat Dock, Two Pilings, Gangway and Utility Conduit: 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 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

CALENDAR ITEM NO. **C18** (CONT'D)

Concrete Landing and Bank Protection: 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).

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 Charles (Chuck) Gregory Klein and Joan E. (Joni) Klein, Co-Trustees of the Chuck and Joni Klein Family Trust beginning February 22, 2013, for a term of 10 years, for the construction, use, and maintenance of an uncovered floating boat dock, two steel pilings, gangway, and utility conduit; and use and maintenance of an existing concrete landing and 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 uncovered floating boat dock, two steel pilings, gangway, utility conduit, and concrete landing: \$190 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 with coverage of no less than \$1,000,000.

EXHIBIT A

W 26592

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 183 patented February 1, 1866, Sacramento County, State of California, more particularly described as follows:

PARCEL 1 – DOCK

All those lands underlying a proposed uncovered floating boat dock, two (2) pilings, and gangway lying adjacent to that Lot as described in Exhibit "A" of that Grant Deed recorded July 1, 2011, in Book 20110701 at Page 860 in Official Records of said County.

TOGETHER WITH a ten foot impact area.

ALSO TOGETHER WITH all those lands underlying existing bank protective structure lying adjacent to said Lot.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

Accompanying plat is hereby made part of this description.

This description is based on Applicant provided design plans found in the Application for Lease of State Lands for a proposed dock, together with any and all appurtenances pertaining thereto, to be built at a later date within the Lease time frame. This description is to be updated once final as-built plans are submitted.

END OF DESCRIPTION

Prepared November 28, 2012 by the California State Lands Commission Boundary Unit.



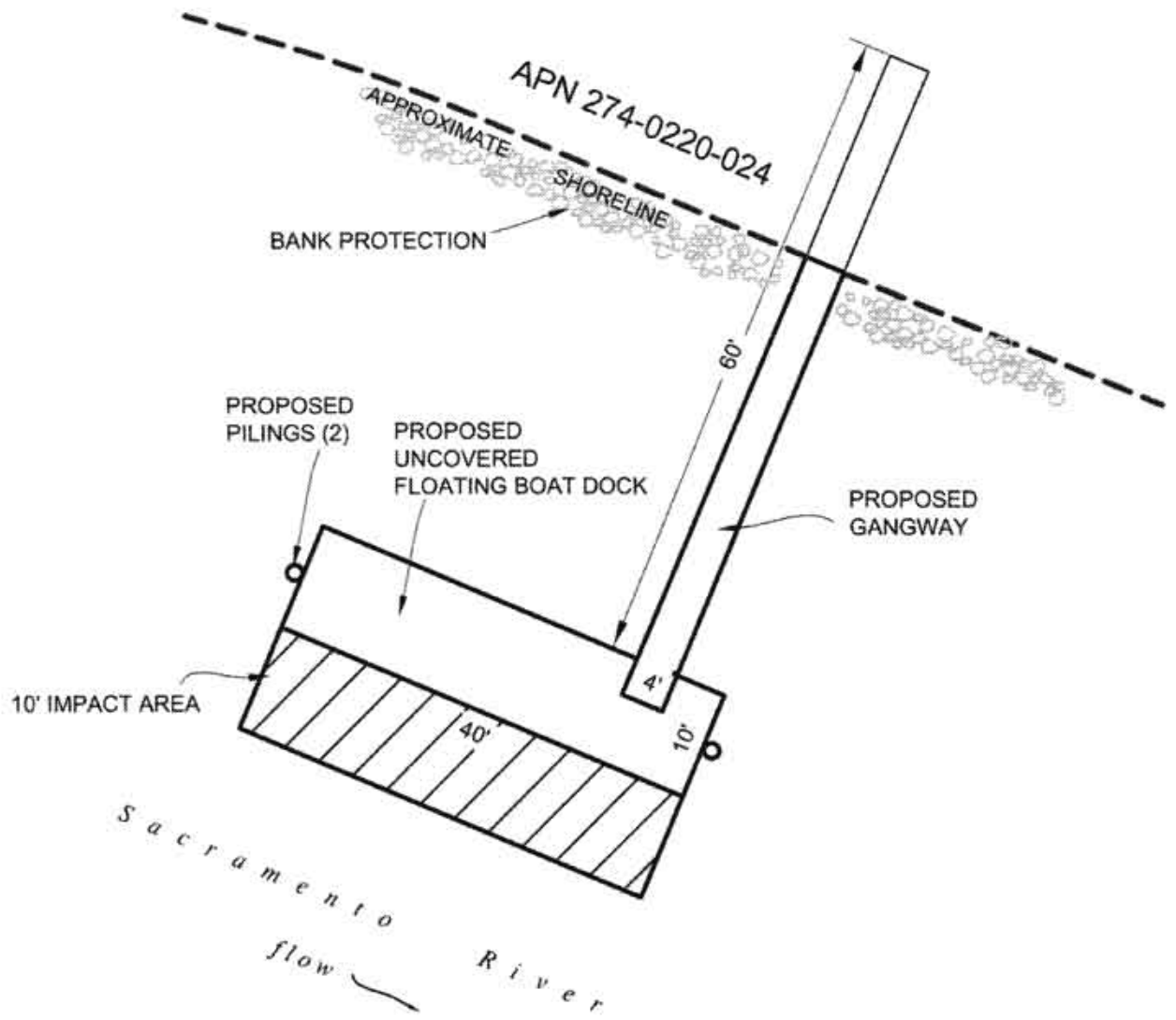


EXHIBIT A

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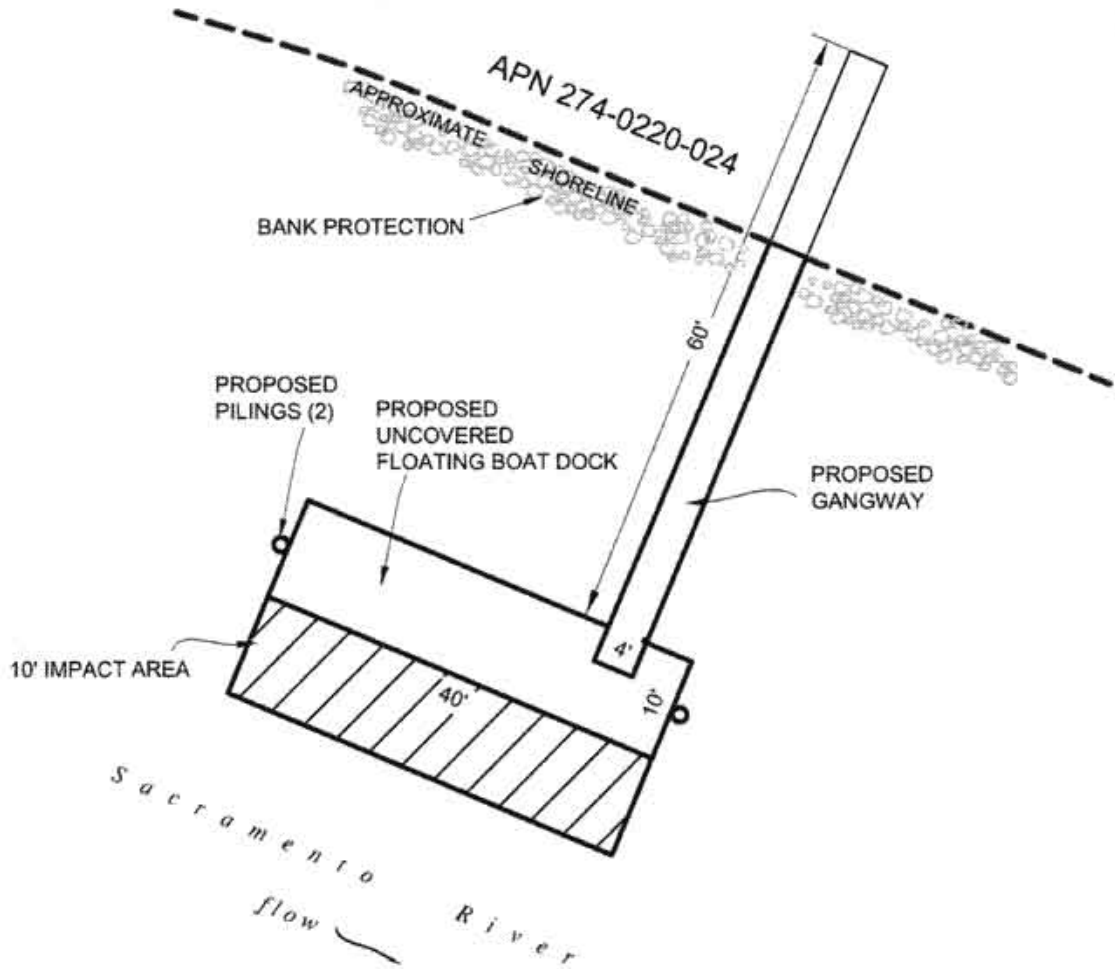
LAND DESCRIPTION PLAT
W 26592, KLEIN
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



2125 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26592

KLEIN

APN 274-0220-024

GENERAL LEASE -

RECREATIONAL &

PROTECTIVE STRUCTURE USE

SACRAMENTO COUNTY



MJJ 11/28/12

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.