

**CALENDAR ITEM
C19**

A 5, 9
S 6

02/22/13
W 25786
V. Caldwell

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Joey N. Carter and Renee M. Carter, Trustees of the Joey N. Carter and Renee M. Carter Family Revocable Trust of 1997

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 3941 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Use and maintenance of an existing uncovered floating boat dock, three steel pilings, gangway, electric and water utility outlet, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning February 22, 2013

CONSIDERATION:

Uncovered Floating Boat Dock, Three Steel Pilings, Gangway, and Electric and Water Utility Outlet: \$201 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 in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

CALENDAR ITEM NO. C19 (CONT'D)

2. The dock facilities have existed for many years but were not previously authorized by the Commission. The Applicants are now applying for a General Lease – Recreational and Protective Structure Use.
3. The Applicants have applied to the U.S. Army Corps of Engineers and Central Valley Flood Protection Board for after-the-fact permits for the existing facilities.
4. 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.
5. 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.

6. 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 and Central Valley Flood Protection Board

EXHIBITS:

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

CALENDAR ITEM NO. **C19** (CONT'D)

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).

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 Joey N. Carter and Renee M. Carter Co-Trustees of the Joey N. Carter and Renee M. Carter Family Revocable Trust of 1997, beginning February 22, 2013, for a term of 10 years, for the use and maintenance of an existing uncovered floating boat dock, three steel pilings, gangway, electric and water utility outlet, 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, three steel pilings, gangway and electric and water utility outlet: \$201 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 25786

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 905 patented June 10, 1869, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing floating boat dock, gangway, three steel pilings, electric and water utility tower lying adjacent to that parcel described in Grant Deed, recorded May 3, 2000 in Book 20000503 at Page 0143 in Official Records of said County.

TOGETHER WITH a 10' impact area.

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said river.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 10/25/12 by the California State Lands Commission Boundary Unit



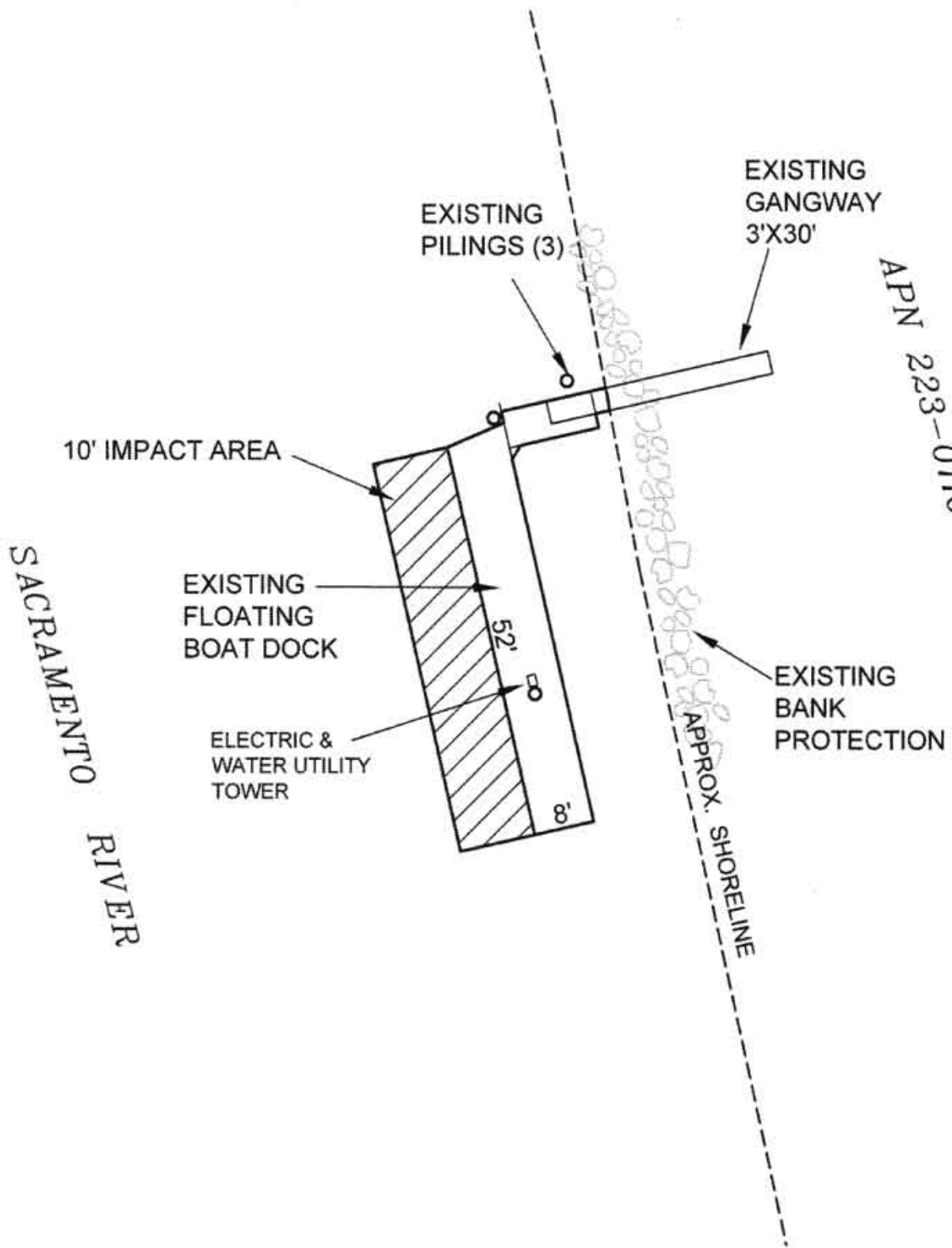


EXHIBIT A

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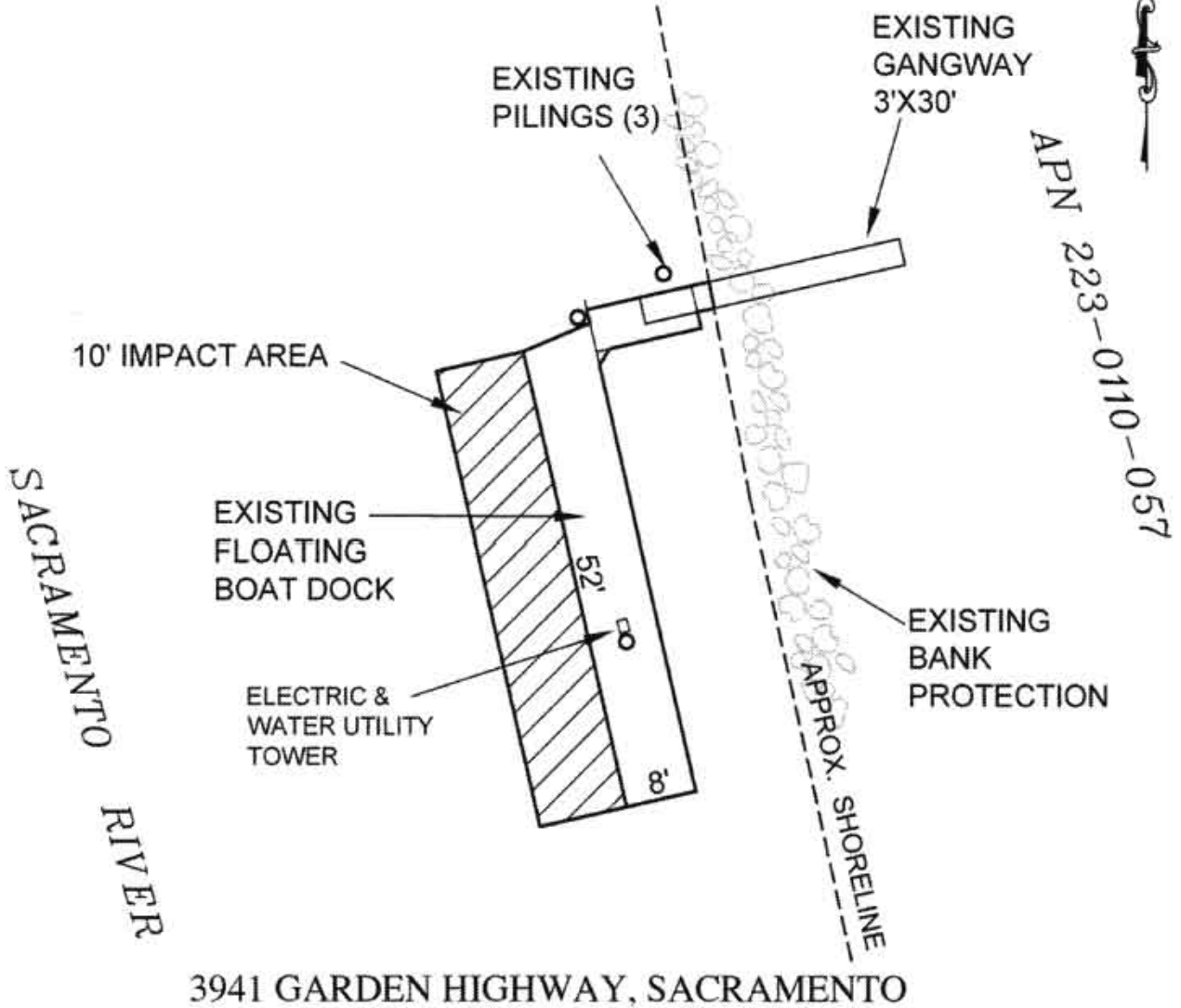
LAND DESCRIPTION PLAT
W 25786, CARTER
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE



NO SCALE

LOCATION



Exhibit B

W 25786
 CARTER
 APN 223-0110-057
 GENERAL LEASE -
 RECREATIONAL AND
 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.