

**CALENDAR ITEM  
C46**

A 2  
S 5

12/02/13  
PRC 5493.9  
J. Sampson

**GENERAL LEASE – PROTECTIVE STRUCTURE USE**

**APPLICANT:**

Tracie L. Cone

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

Sovereign land in the Sacramento River, adjacent to 7115 Garden Highway, city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of existing bank protection.

**LEASE TERM:**

10 years, beginning August 9, 2013.

**CONSIDERATION:**

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 an amount no less than \$1,000,000 per occurrence.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On August 19, 2003, the Commission authorized a General Lease – Protective Structure Use with Hilary E. Abramson. That lease expired March 31, 2013. On August 9, 2013, the upland parcel was deeded to Tracie L. Cone.
3. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.

CALENDAR ITEM NO. **C46** (CONT'D)

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).

**SIGNIFICANT LAND 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.

CALENDAR ITEM NO. **C46** (CONT'D)

**AUTHORIZATION:**

Authorize issuance of a General Lease – Protective Structure Use to Tracie L. Cone beginning August 9, 2013, for a term of 10 years, for the continued use and maintenance of existing bank protection as described in Exhibit A and shown in Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration being 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 per occurrence.

**EXHIBIT A**

**PRC 5493.9**

**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 924 patented August 24, 1870, County of Sacramento, State of California and more particularly described as follows:

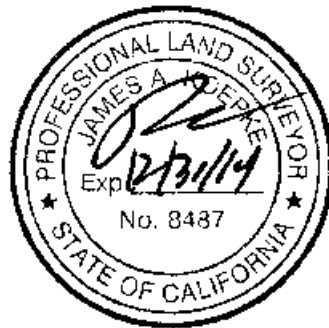
All that land lying immediately beneath any bank protection structure adjacent to that parcel described in Exhibit "A" of Grant Deed, recorded August 9, 2013 in Book 20130809 at Page 0807 in Official Records of said County.

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 10/22/13 by the California State Lands Commission Boundary Unit





SACRAMENTO RIVER

APROX. SHORELINE

EXISTING PROTECTIVE STRUCTURE

RIP RAP

APN 201-0250-009

GARDEN HIGHWAY

### EXHIBIT A

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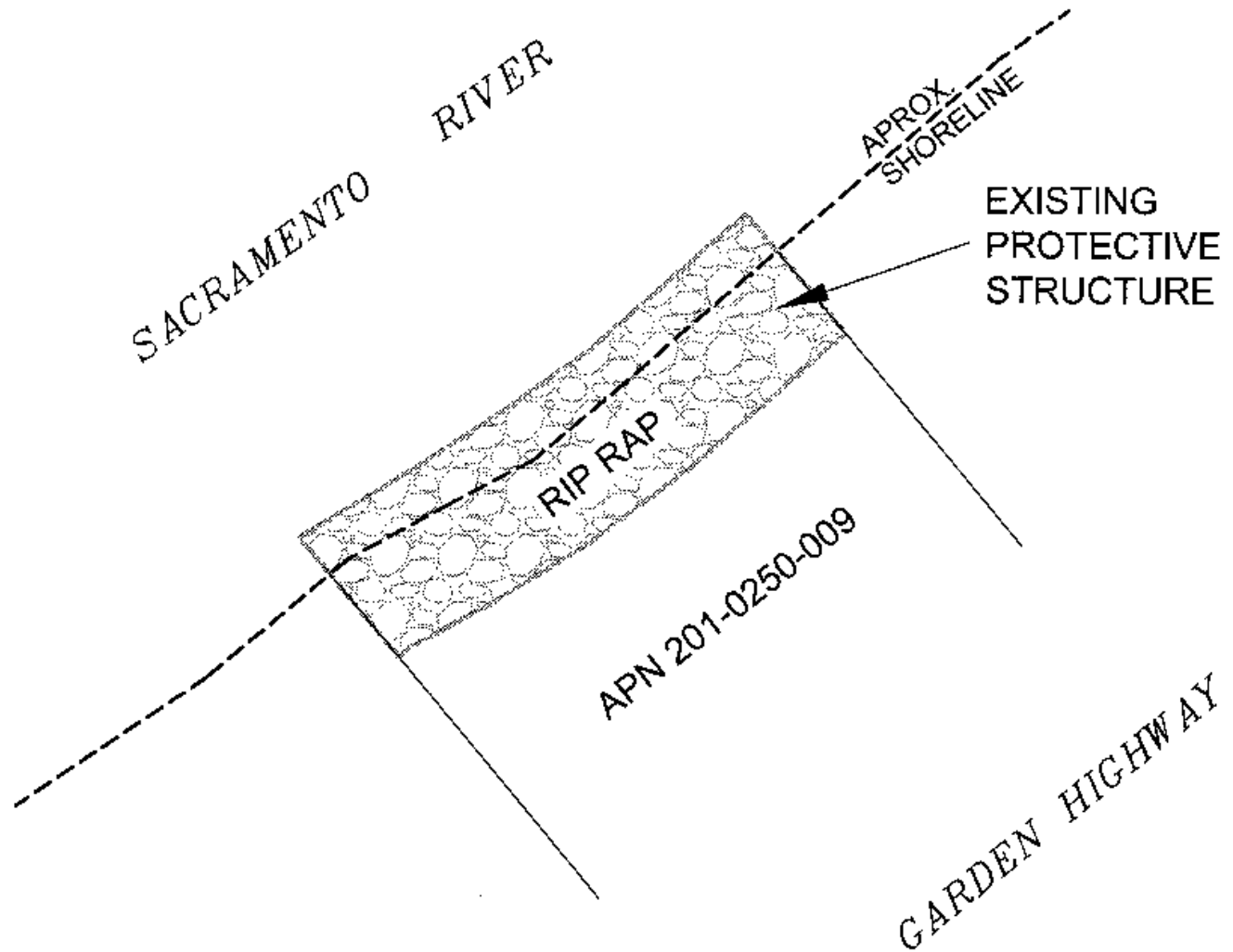
LAND DESCRIPTION PLAT  
PRC 5493.9, CONE  
SACRAMENTO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

**SITE**



7115 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

**LOCATION**



MAP SOURCE: USGS QUAD

**Exhibit B**

PRC 5493.9

CONE

APN 201-0250-009

GENERAL LEASE -

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.