MINUTE ITEM
This Calendar Item No. C4
was approved as Minute Item
No. 4 by the State Lands
Commission by a vote of 3
to 0 at its 4/24/86
meeting.

CALENDAR ITEM

A 10 C04 04/24/86
WP 5949 PRC 5949
S 6 Omand

GENERAL PERMIT - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT: Christopher C. Fogarty
6047 Garden Highway
Sacramento, California 95837

AREA, TYPE LAND AND LOCATION:
A 0.188-acre parcel of tide and submerged land, located in the Sacramento River, Sacramento County (0.102-acre for the boat dock; 0.086-acre for the riprap).

LAND USE: Construction and maintenance of a floating dock, and placement of riprap bank protection.

TERMS OF PROPOSED PERMIT:
Initial period: Ten years beginning January 1, 1986.

Public liability insurance: Combined single limit coverage of $100,000.

CONSIDERATION: The public use and benefit; with the State reserving the right at any time to set a monetary rental for the riprap if the Commission finds such action to be in the State's best interest. Boat dock is rent-free, pursuant to Section 6503.5 of the P.R.C.

BASIS FOR CONSIDERATION:
Pursuant to 2 Cal. Adm. Code 2003.

APPLICANT STATUS:
Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:
Filing fee and processing costs have been received.

STATUTORY AND OTHER REFERENCES:
A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884: 05/01/86.

OTHER PERTINENT INFORMATION:
1. The annual rental value of the site is estimated to be $572.23.

2. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorical exempt project. The project is exempt under Class 3, New Construction of Small Structure (dock and pilings) and Class 4, Minor Alteration to Land (riprap), 2 Cal. Adm. Code 2905(c)(1) and 2905(d)(2).

   Authority: P.R.C. 21084, 14 Cal. Adm. Code 15300, and 2 Cal. Adm. Code 2905.

3. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. but will not affect those significant lands.

4. The bank protection and the boat dock are being combined in one permit for ease of record keeping and to eliminate the issuance of two separate permits for the same area.

5. Staff feels that bank protection, at this point, could be of mutual benefit to both the public and the Applicant.

APPROVALS OBTAINED:
United States Army Corps of Engineers.

FURTHER APPROVALS REQUIRED:
State Reclamation Board.

EXHIBITS: A. Land Description.
B. Location Map.

IT IS RECOMMENDED THAT THE COMMISSION:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A CATEGORICAL EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURE (DOCK AND PILINGS) AND CLASS 4, MINOR ALTERATION TO LAND (RIPRAP), 2 CAL. ADM. CODE 2905(c)(1) AND 2905(d)(2).

2. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.

3. AUTHORIZE ISSUANCE TO CHRISTOPHER C. FOGARTY OF A TEN-YEAR GENERAL PERMIT - RECREATIONAL AND PROTECTIVE STRUCTURE USE BEGINNING JANUARY 1, 1986; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL FOR THE RIPRAP IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; DOCK IS RENT-FREE PURSUANT TO SECTION 6503.5 OF THE P.R.C.; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF $100,000; FOR CONSTRUCTION AND MAINTENANCE OF A FLOATING DOCK, AND PLACEMENT OF RIPRAP BANK PROTECTION ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"

LAND DESCRIPTION WP 5949

All that tide and submerged land in the bed of the Sacramento River at River Mile Post 70.8 lying immediately beneath a floating dock, walkway, ramp, and riprap placed for bank protection, TOGETHER WITH a necessary use area extending 10 feet from the extremities of said dock and walkway, said structures and riprap being located along the left bank of the Sacramento River and adjacent to and waterward of that land described in the Grant Deed recorded March 31, 1983 in Book 83-03-31, Page 1790, Official Records of Sacramento County.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the Sacramento River.

END OF DESCRIPTION

PREPARED NOVEMBER 8, 1985, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

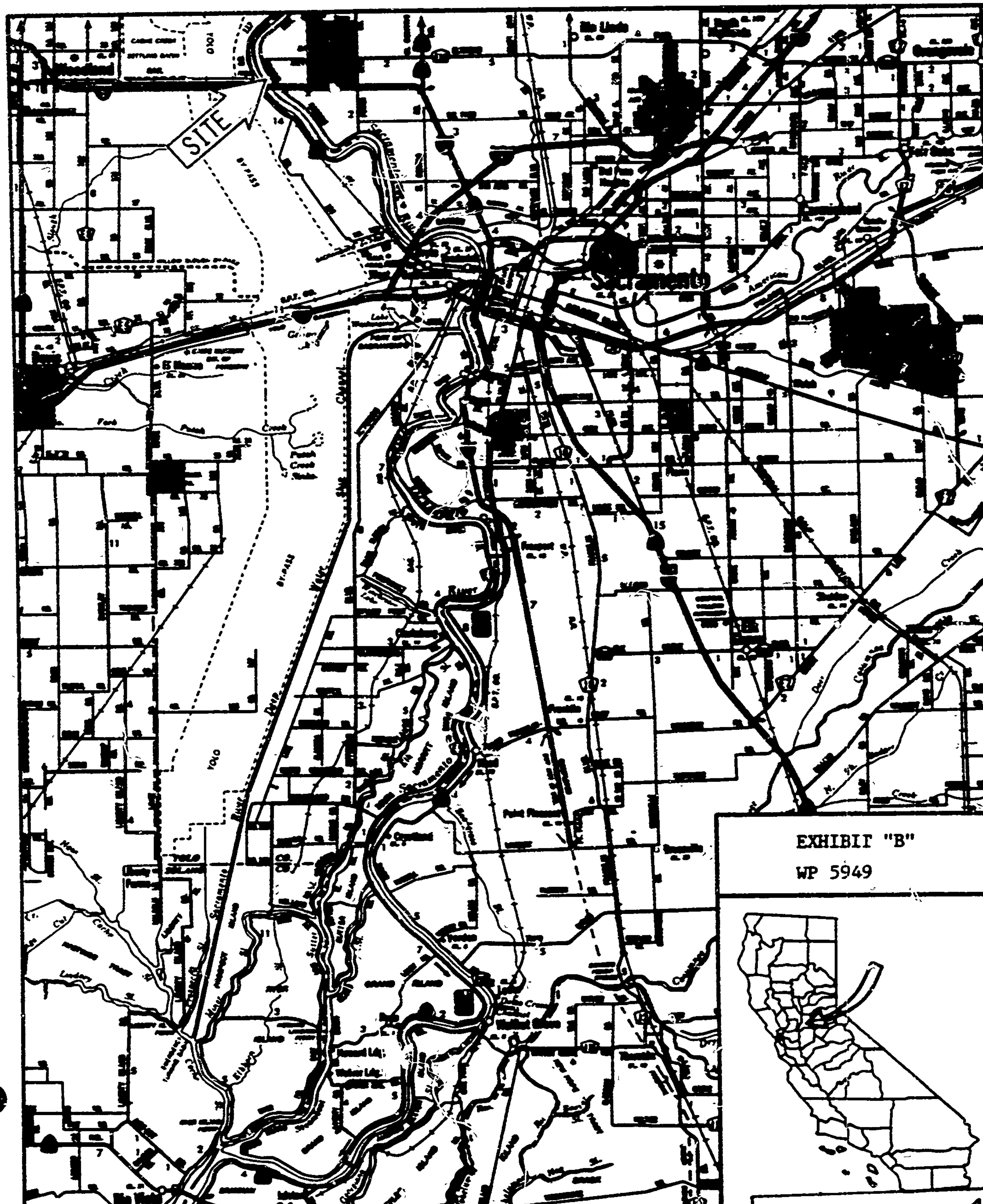

EXHIBIT "B"

WP 5949

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