

MINUTE ITEM
This Calendar Item No. C07
was approved as Minute Item
No. 2 by the State Lands
Commission by a vote of 3
to 0 at its 4/26/89
meeting.

CALENDAR ITEM

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WP 5697 PRC 5697
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TERMINATION OF PERMIT AND ISSUANCE OF A NEW
GENERAL PERMIT - PROTECTIVE STRUCTURE
AND RECREATIONAL USE

APPLICANT: The MKG Trust,
c/o Mr. Chris Rufer and Mrs. Melodie Rufer
4171 Garden Highway
Sacramento, California 95834

AREA, TYPE LAND AND LOCATION:
A 0.166-acre parcel of tide and submerged land,
Sacramento River, Sacramento County.

LAND USE: Ramp and floating dock, riprap, and debris
deflector.

TERMS OF PRIOR PERMIT:
Lessees: William W. and Mary Ann Tyson.
Initial period: Ten years beginning July 17,
1979.
Public liability insurance: Combined single
limit coverage of \$100,000.
Consideration: Exempt, P.R.C. Section 6503.5.

TERMS OF PROPOSED PERMIT:
Initial period: Ten years beginning
November 1, 1988.
Public liability insurance: Combined single
limit coverage of \$300,000.

CALENDAR ITEM NO. C 0-7 (CONT'D)

CONSIDERATION: The public use and benefit for the riprap bank protection; with the State reserving the right at any time to set a monetary rental if the Commission finds such action to be in the State's best interest.

The recreational boat dock is rent-free, pursuant to Section 6503.5 of the P.R.C.; staff believes that the debris deflector is properly included with the dock, as an integral part of the recreational facility, and accordingly entitled to rent-free status.

BASIS FOR CONSIDERATION:

Pursuant to 2 Cal. Code Regs. 2003.

APPLICANT STATUS:

Applicant is owner of upland.

PREREQUISITE CONDITIONS, FEES AND EXPENSES:

Filing fee has been received.

STATUTORY AND OTHER REFERENCES:

A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.

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

AB 884:

06/24/89.

OTHER PERTINENT INFORMATION:

1. A prior Recreational Pier Permit, PRC 5697, was issued to William W. and Mary Ann Tyson for a ten-year term beginning July 17, 1979. Subsequent to that time, Mr. and Mrs. Tyson sold the adjacent uplands to the Morning Star Company, pursuant to a deed recorded May 14, 1984. The waterward improvements authorized in the Tyson permit included a 10-foot by 45-foot dock and access ramp which have since been removed and replaced with the present improvements. A written release and termination has been provided to the Commission, effective May 14, 1984, declaring that Mr. and Mrs. Tyson have no interest in the sovereign lands which they formerly occupied under Permit PRC 5697.

CALENDAR ITEM NO. C 07 (CONT'D)

2. The current applicant acquired the adjacent uplands from the Morning Star Company by a deed recorded November 1, 1988. The staff proposes that the application under consideration be effective as of that date.

3. As to the termination of the Tyson permit, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA because the activity is not a "project" as defined by CEQA and the State CEQA Guidelines.

Authority: P.R.C. 21065 and 14 Cal. Code Regs. 15378.

4. As to the facilities presently under consideration, pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Code Regs. 15061), the staff has determined that this activity is exempt from the requirements of the CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities (dock and riprap) and; Class 3, New Construction of a Small Structure (debris deflector), 14 Cal. Code Regs. 15303 and 2 Cal. Code Regs. 2905(a)(2).

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

5. The recreational pier and accessory debris deflector have been combined with the riprap bank protection in one permit for ease of recordkeeping and to eliminate the issuance of separate permits for the same area.

APPROVALS OBTAINED:

United States Army Corps of Engineers, County of Sacramento, and Reclamation Board.

FURTHER APPROVALS REQUIRED:

State Lands Commission.

CALENDAR ITEM NO. C 07 (CONT'D)

EXHIBITS:

- A. Land Description.
- B. Location Map.
- C. Letter of Non-objection from the County of Sacramento.

IT IS RECOMMENDED THAT THE COMMISSION:

1. AS TO THE TERMINATION OF THE WILLIAM W. AND MARY ANN TYSON PERMIT, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY P.R.C. 21065 AND 14 CAL. CODE REGS. 15387
2. ACCEPT, AND AGREE TO, THE TERMINATION OF THE TYSON PERMIT, PRC 5697, EFFECTIVE MAY 14, 1984.
3. AS TO THE ISSUANCE OF A NEW GENERAL PERMIT, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. CODE REGS. 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES, AND CLASS 3, NEW CONSTRUCTION OF A SMALL STRUCTURE, 14 CAL. CODE REGS. 15303, and 2 CAL. CODE REGS. 2905(a)(2).
4. AUTHORIZE ISSUANCE TO THE MKG TRUST OF A TEN-YEAR GENERAL PERMIT - PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING NOVEMBER 1, 1988; IN CONSIDERATION OF THE PUBLIC USE AND BENEFIT FOR THE RIPRAP BANK PROTECTION, WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; PROVISION OF PUBLIC LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF \$300,000; FOR THE USE AND MAINTENANCE OF A RECREATIONAL BOAT DOCK AND ACCESSORY DEBRIS DEFLECTOR, RAMP, AND RIPRAP BANK PROTECTION DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"
LAND DESCRIPTION

WP 5697

Two parcels of tide and submerged land in the bed of the Sacramento River, Sacramento County, California, said parcels being described as follows:

PARCEL 1

All that tide and submerged land lying immediately beneath a dock, ramp, and debris deflector adjacent to and waterward of that land described in the Grant Deed recorded November 1, 1988 in book 88-11-1, page 650, Official Records of Sacramento County, TOGETHER WITH a necessary use area extending 10 feet from the extremities of said dock and ramp.

PARCEL 2

All that tide and submerged land lying immediately beneath riprap placed for bank protection adjacent to and waterward of the land described in said Grant Deed.

END OF DESCRIPTION

PREPARED MARCH 6, 1989 BY BIU 1.

CALENDAR PAGE	<u>35</u>
MINUTE PAGE	<u>1114</u>

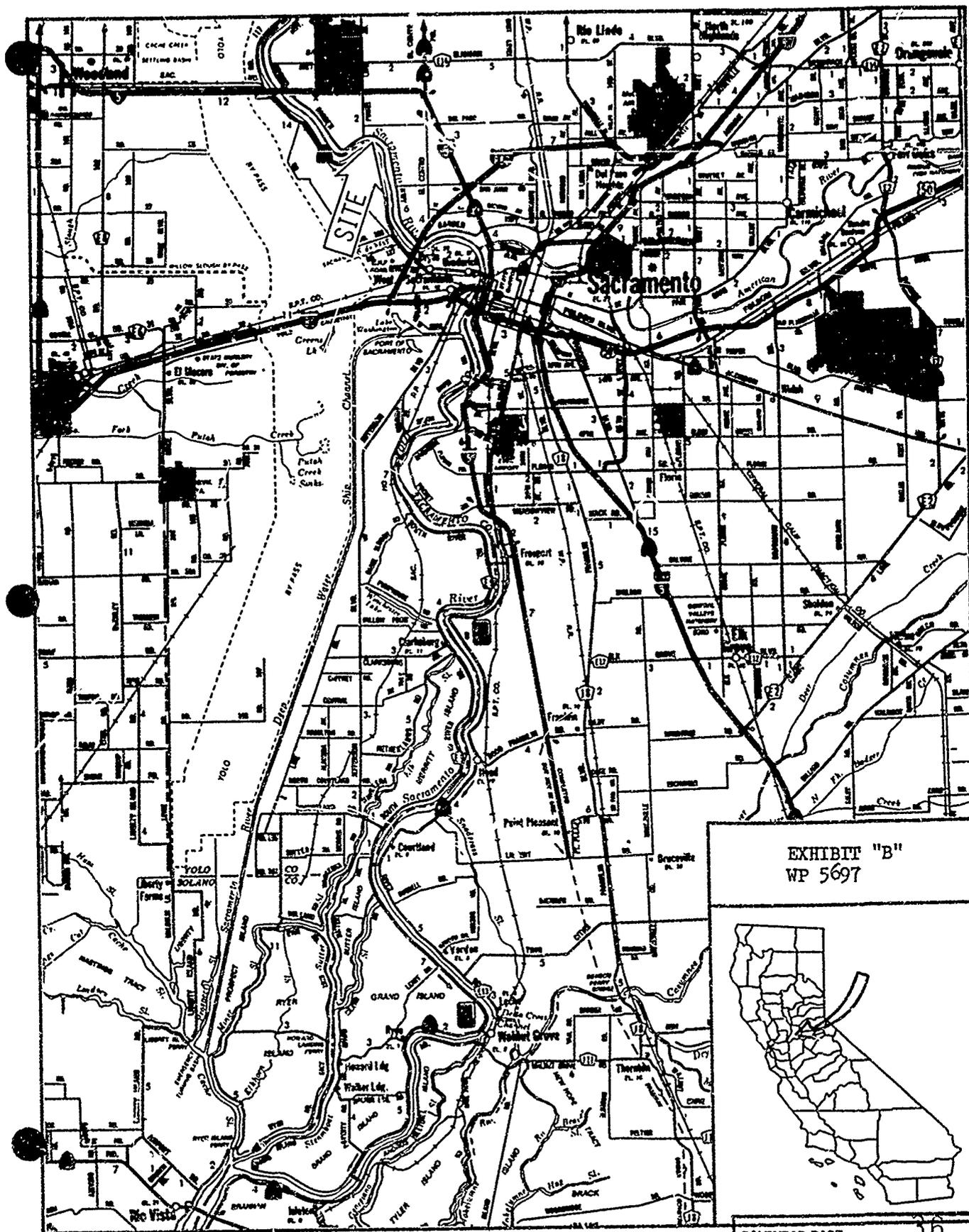


EXHIBIT "B"
WP 5697



CALENDAR PAGE	36
MINUTE PAGE	1115

File Ref: WP 5697

State Lands Commission
Attn: Herbert A. Maricle
1807 - 13th Street
Sacramento, California 95814

Dear Mr. Maricle:

Subject: Permit for A Dock, Debris Deflector and Riprap,
Sacramento River

Name: Mr. Chris Rufer and Mrs. Melodie Rufer
Address: 4171 Garden Highway
Sacramento, California 95834

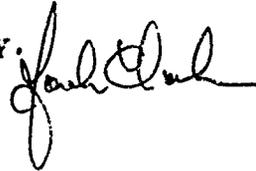
Sacramento County Assessor's Parcel No. 225-0090-028

Upland Address: 4171 Garden Highway
Sacramento, California 95834

The County of Sacramento has received notice of the above-referenced facilities and has no objection thereto or to the issuance of the State Lands Commission's permit.

If you have any questions, you may reach me at (916) 440-6200.

Sincerely,



TELEPHONE (916) 440 6221



JACK CLARK
SENIOR PLANNER

PLANNING AND
COMMUNITY DEVELOPMENT
COUNTY OF SACRAMENTO

827 - 7TH ST. RM 120
SACRAMENTO, CA 95814

EXHIBIT "C"

CALENDAR PAGE
MINUTE PAGE

37
1116