

MINUTE ITEM

This Calendar Item No. C12  
was approved as Minute Item  
No. 12 by the State Lands  
Commission by a vote of 3  
to 0 at its 5/5/92  
meeting.

CALENDAR ITEM

A 10

**C 1 2**

05/05/92

PRC 7357

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AMENDMENT OF GENERAL PERMIT - PROTECTIVE STRUCTURE USE  
AND RECREATIONAL USE

PERMITTEE:

Donald E. Wharton and Donyne C. Wharton  
2427 Garden Highway  
Sacramento, California 95833

AREA, TYPE LAND AND LOCATION:

A 0.12-acre parcel of tide and submerged land in the  
Sacramento River, Sacramento County.

LAND USE:

Maintenance and use of an 8' x 100' floating dock, six steel  
piles, a 50-foot metal gangway, and 190 cubic yards of  
riprap placed below mean high water along 399 feet of bank.

TERMS OF ORIGINAL PERMIT:

Initial period:

Ten (10) years beginning April 1, 1990.

Public liability insurance:

Combined single limit coverage of \$300,000.

Consideration:

- (a) \$403.50 per annum for the recreational facilities;  
with the State reserving the right to fix a different  
rental on each fifth anniversary of the permit, and
- (b) the public use and benefit for the protective  
structure use; 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.

CALENDAR ITEM NO. C 1. 2 (CONT'D)

**TERMS OF PROPOSED AMENDMENT:**

Delete the annual rental of \$403.50 for the recreational facilities pursuant to P.R.C. 6503.5.

**CONSIDERATION:**

(a) Rent-free, pursuant to P.R.C. 6503.5 for the recreational facilities; and (b) the public use and benefit for the protective structure use; 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.

**BASIS FOR CONSIDERATION:**

Pursuant to 2 Cal. Code Regs. 2003 and PRC 6503.5.

**APPLICANT STATUS:**

Applicant is owner of upland.

**PREREQUISITE CONDITIONS, FEES AND EXPENSES:**

Filing fee and processing cost deposit have been received.

**STATUTORY AND OTHER REFERENCES:**

- A. P.R.C.: Div. 6, Parts 1 and 2; Div. 13.
- B. Cal. Code Regs.: Title 3, Div. 3; Title 14, Div. 6.

**AB 884:**

N/A

**OTHER PERTINENT INFORMATION:**

1. This activity involves lands identified as possessing significant environmental values pursuant to P.R.C. 6370, et seq. 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.
2. 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.

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CALENDAR ITEM NO. C 1 2 (CONT'D)

3. Permittees were granted a General Permit - Protective Structure Use and Recreational Use. At that time permittees had not completed construction of their residence on the adjacent upland property to qualify for rent free status under P.R.C. 6503.5. Permittees have now completed construction of their single-family residence and are therefore entitled to a rent-free permit under P.R.C. 6503.5.

**EXHIBITS:**

- A. Land Description
- B. Location Map

**IT IS RECOMMENDED THAT THE COMMISSION:**

1. FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED FOR THE LAND PURSUANT TO P.R.C. 6370, ET SEQ.
2. 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. 15378.
3. AUTHORIZE THE AMENDMENT OF LEASE PRC 7357, GENERAL PERMIT - PROTECTIVE STRUCTURE USE AND RECREATIONAL USE, TO DELETE THE ANNUAL RENTAL FOR THE RECREATIONAL FACILITIES PURSUANT TO P.R.C. 6503.5, EFFECTIVE MARCH 31, 1992; ALL OTHER TERMS AND CONDITIONS OF THE LEASE TO REMAIN UNCHANGED AND IN FULL FORCE ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

EXHIBIT "A"  
LAND DESCRIPTION

W 24312  
PRC 7357

Two parcels of land in the bed of the Sacramento River, Sacramento County, California, situated adjacent to Lot 43 of Natomas Riverside Subdivision No. 2, recorded in Book 15 of Maps, map no. 41 Official Records of Sacramento County. Said parcels more particularly described as follows:

PARCEL 1 - PIER

That land lying immediately beneath a pier, TOGETHER WITH the necessary use area extended 10 feet beyond it's extremities, said pier being adjacent to and southwesterly of that land described in Grant Deed recorded in Book 89-03-1 Page 0899, Document No.043075, official records of Sacramento County.

PARCEL 2 - RIP-RAP EMBANKMENT

That land lying immediately beneath the rip-rap embankment which is southwesterly of of that land described in the above mentioned Grant Deed.

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

END OF DESCRIPTION

PREPARED AUGUST 18, 1989 BY BIU 1

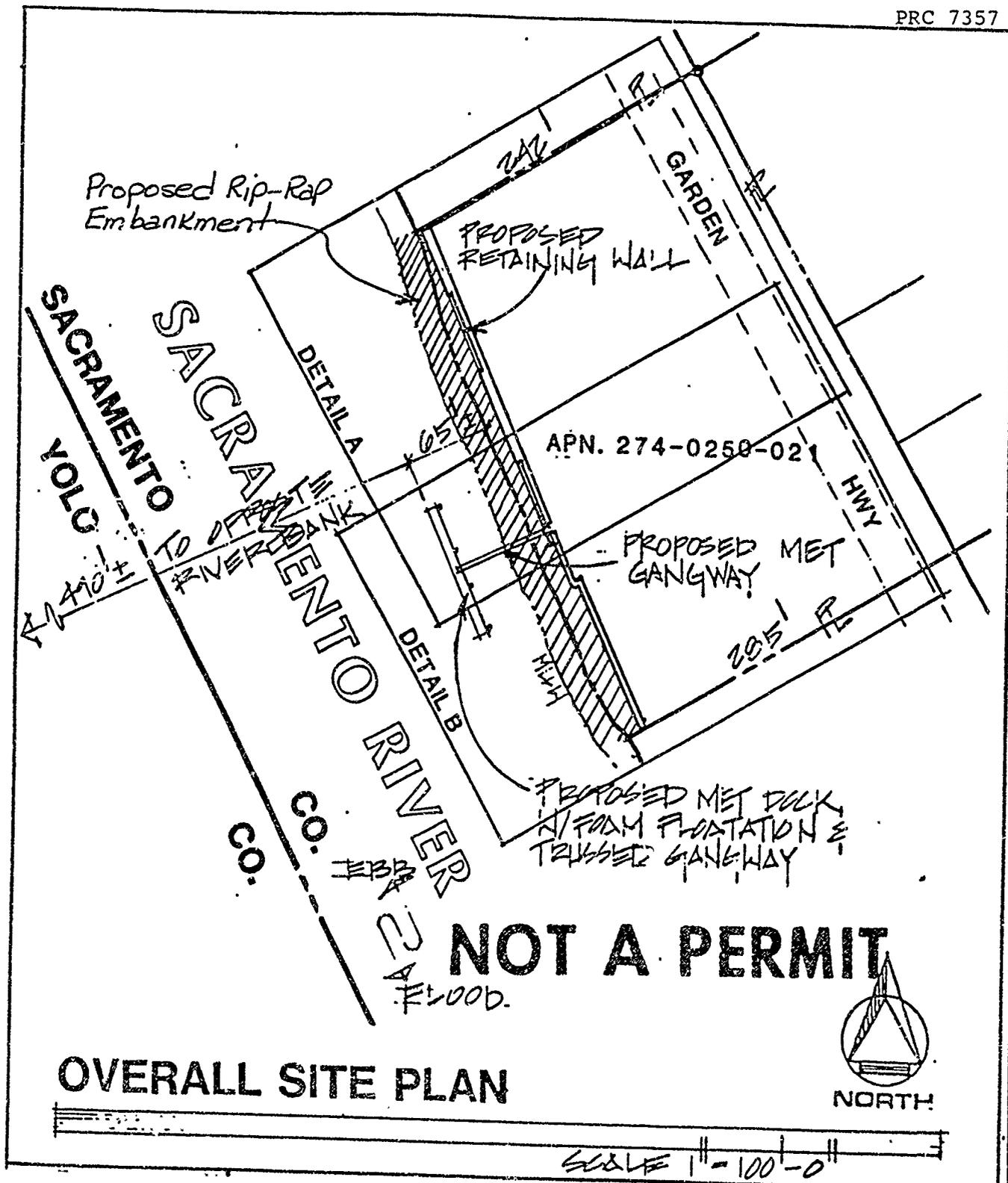
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EXHIBIT "A-1"

SITE MAP

W 24312

PRC 7357



PREPARED AUGUST 22, 1989 BY BIU-1

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1-5-89

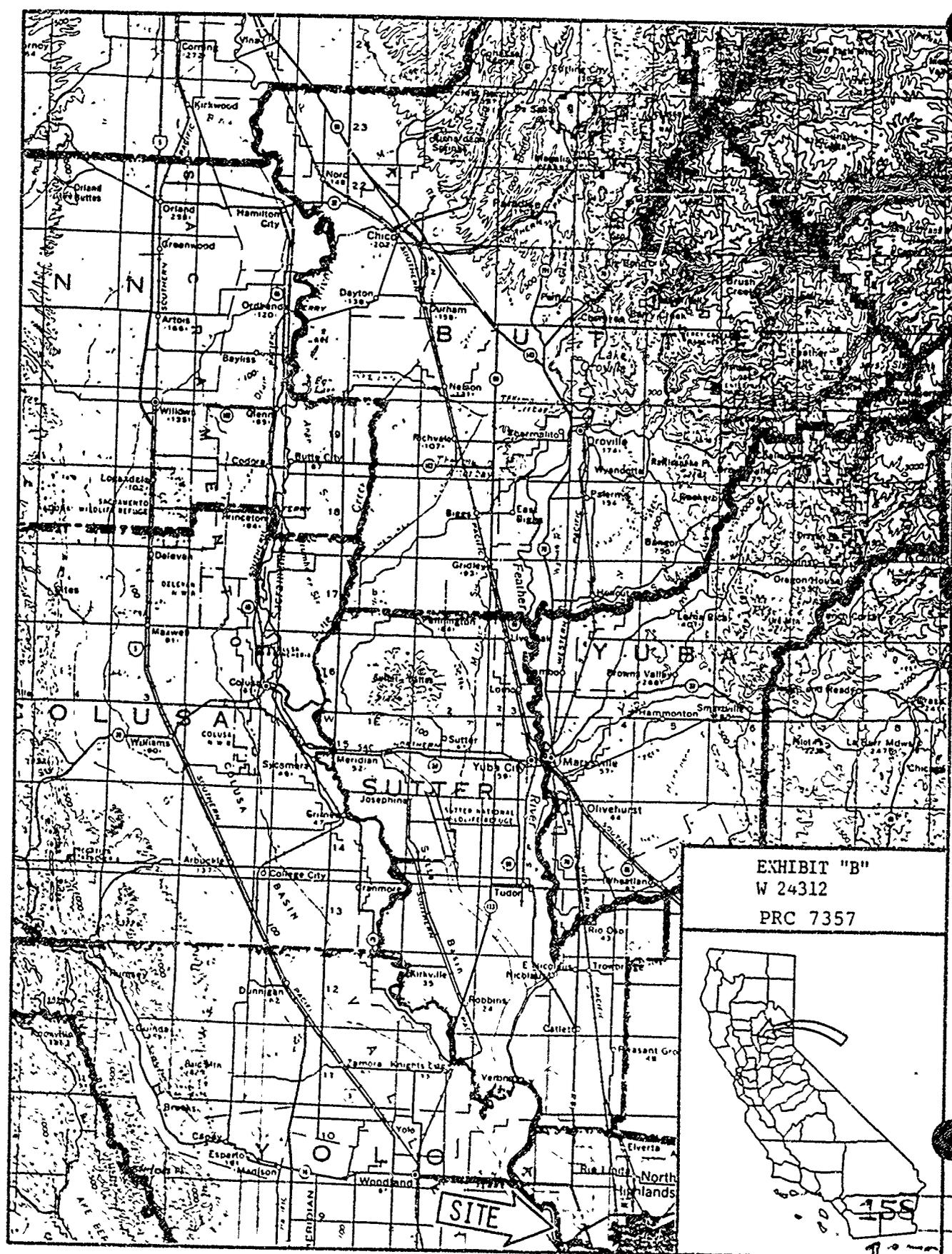


EXHIBIT "B"  
 W 24312  
 PRC 7357

