

MINUTE ITEM

This Calendar Item No. C34 was approved as Minute Item No. 34 by the California State Lands Commission by a vote of 3 to 0 at its 2/27/98 meeting.

**CALENDAR ITEM
C34**

A 8
S 4

02/27/98
PRC 5159 WP 5159.9
D. Jones

**GENERAL LEASE -
RECREATIONAL AND PROTECTIVE STRUCTURE USE**

LESSEE:

B. Gale Leatherman
401 W. Willow Tree Lane
Isleton, California 95641

AREA, LAND TYPE, AND LOCATION:

0.19 acre, more or less, of tide and submerged lands in Georgiana Slough, adjacent to Andrus Island, Sacramento County.

AUTHORIZED USE:

The continued use and maintenance of an existing 40 foot x 36 foot covered double berth boat dock, a 6 foot x 60 foot floating dock, a 3 foot x 16 foot ramp and the construction of approximately 200 lineal feet of bank protection.

LEASE TERM:

Ten years, beginning November 1, 1997.

CONSIDERATION:

Floating boat docks: No monetary consideration pursuant to Public Resources Code section 6503.5.

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 with coverage of no less than \$500,000.

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OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. The Commission issued a Recreational Pier Permit to Dean A. Leatherman and B. Gale Leatherman for a ten year period, beginning April 3, 1991, for a double floating dock, floating dock, and ramp. Following the permit issuance date, the Leatherman's constructed a concrete bulkhead without approval of the Commission, the U.S. Army Corps of Engineers, or the Department of Fish and Game. Dean Leatherman is now deceased.

On February 28, 1997, the Corps ordered B. Gale Leatherman, the current applicant, to remove the bulkhead and restore the site to its preconstruction contours. The Corps indicated if rock riprap work is necessary to prevent future erosion, the Corps would consider an application using that alternative. On approximately July 15, 1997, the applicant removed the bulkhead. Immediately after the bulkhead was removed, erosion began to occur. The applicant then applied to the Corps, the Commission, and the Department of Fish and Game for authorization to construct bank protection using rock riprap. On October 20, 1997, the Corps issued its permit for the rock riprap bank protection.

3. **Floating Boat Docks and Ramp:**
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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; Title 2, California Code of Regulations, section 2905 (a)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

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Bank Protection:

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 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 4, Minor Alteration to Land; Title 2, California Code of Regulations, section 2905 (d)(2).

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

4. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, The Reclamation Board, Department of Fish and Game, and the County of Sacramento

EXHIBITS:

- A. Site Map
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

January 19, 1998

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FLOATING BOAT DOCK AND RAMP:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (A) (2).

BANK PROTECTION:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATION TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (D) (2).

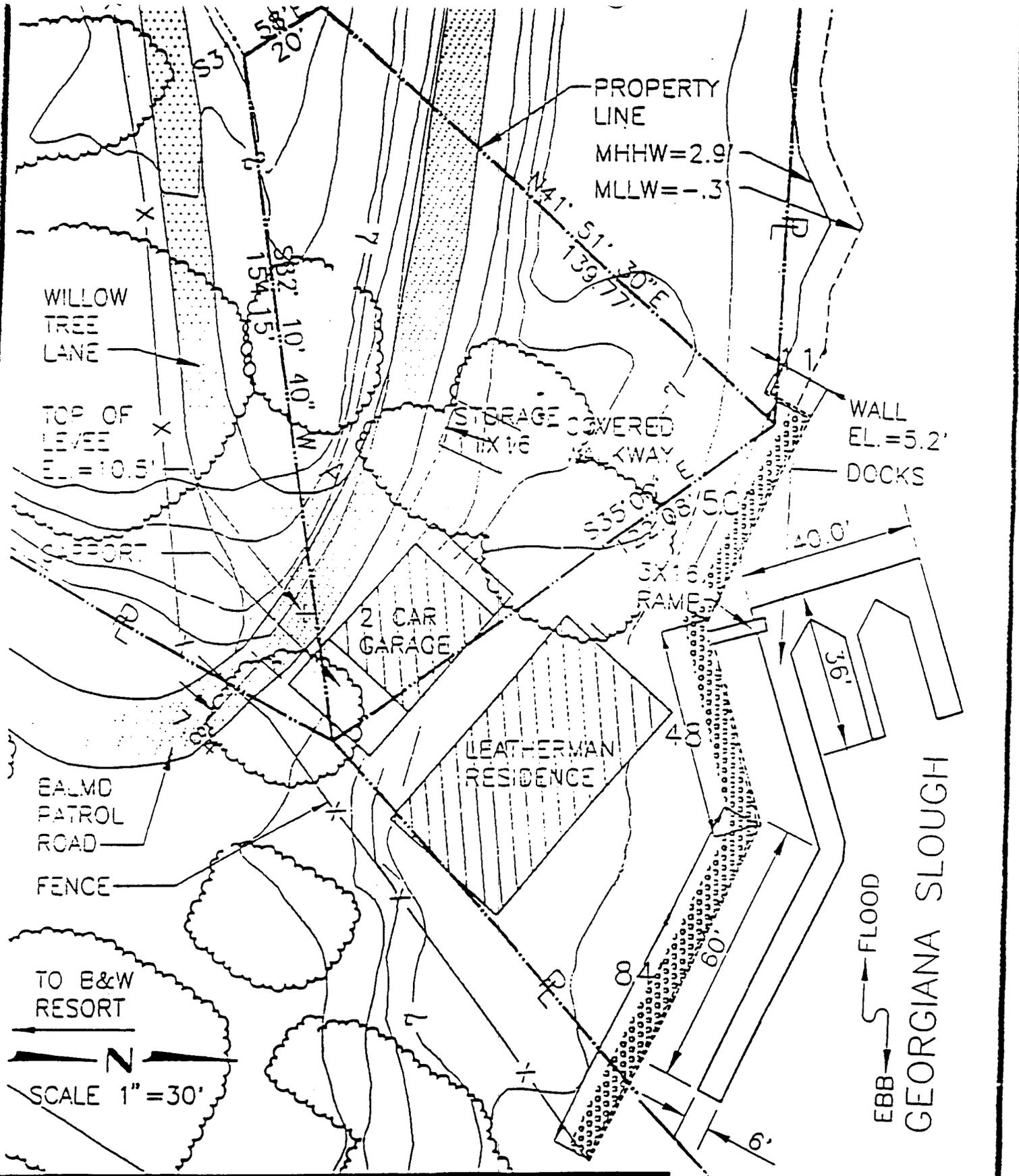
AUTHORIZATION:

1. TERMINATE RECREATIONAL PIER PERMIT NO. PRC 5159.9 EFFECTIVE OCTOBER 31, 1997.
2. AUTHORIZE ISSUANCE TO B. GALE LEATHERMAN OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING NOVEMBER 1, 1997, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING 40 FOOT X 36 FOOT COVERED DOUBLE BERTH BOAT DOCK, A 6 FOOT X 60 FOOT FLOATING DOCK, A 3 FOOT X 16 FOOT RAMP AND THE CONSTRUCTION OF APPROXIMATELY 200 LINEAL FEET OF BANK PROTECTION ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: FLOATING BOAT DOCKS AND RAMP: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; BANK PROTECTION: THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A

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MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION
TO BE IN THE STATE'S BEST INTEREST; LIABILITY
INSURANCE WITH COVERAGE OF NO LESS THAN \$500,000.

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PURPOSE: SHORELINE EROSION CONTROL & REPAIR

CONTENTS:
 PLAN VIEW

This Land description is solely for purposes of generally defining the lease premises, 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.

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Exhibit A 002857	

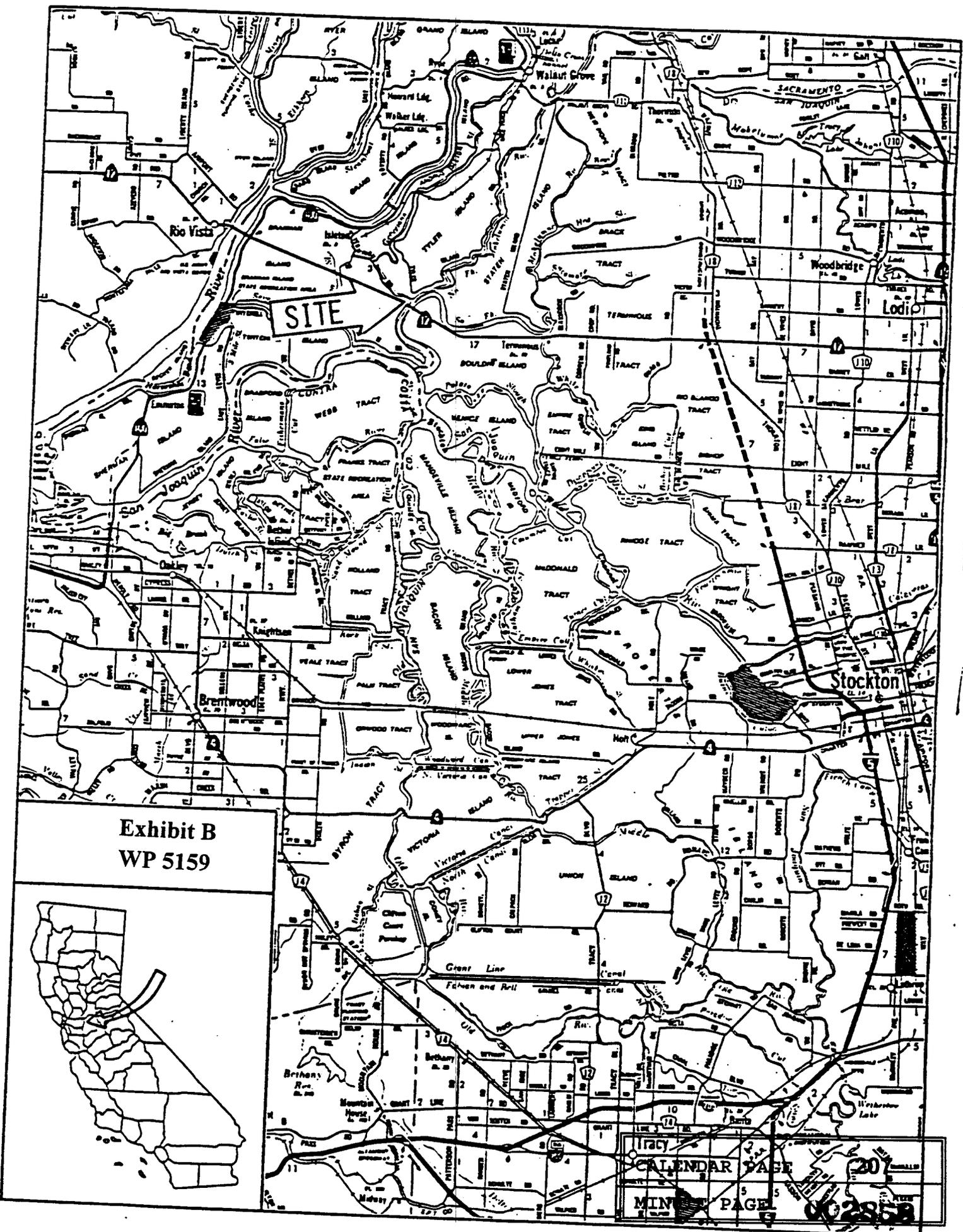


Exhibit B
WP 5159



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