

MINUTE ITEM

This Calendar Item No. C09 was approved as Minute Item No. 07 by the California State Lands Commission by a vote of 3 to 0 at its 12-3-99 meeting.

**CALENDAR ITEM
C09**

A 5

12/03/99

S 6

PRC 7357.9

WP 7357.9

L. Burks

**TERMINATION OF GENERAL PERMIT – PROTECTIVE STRUCTURE AND
RECREATIONAL USE AND ISSUANCE OF A NEW
GENERAL LEASE – RECREATIONAL AND PROTECTIVE
STRUCTURE USE**

APPLICANTS:

Eduardo S. Bermudez and
Rita B. Bermudez
2427 Garden Highway
Sacramento, California 95834

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to the Garden Highway (APN 201-0250-021), near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing 8 foot by 100 foot floating dock, a 50 foot metal gangway, and 190 cubic yards of riprap placed along 399 feet of shoreline.

LEASE TERM:

Ten years, beginning November 1, 1999.

CONSIDERATION:

Recreational Pier – 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 for combined single limit coverage of no less than \$500,000.

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OTHER PERTINENT INFORMATION:

1. On December 12, 1989, the Commission authorized approval of a ten year General Permit – Protective Structure and Recreational Use, beginning April 1, 1990, to Donald E. Wharton and Donyne C. Wharton for construction of a floating dock, gangway and bank protection. On May 5, 1992, the Commission authorized an amendment to the lease, effective March 31, 1992, to delete the annual rent for the recreational facilities pursuant to Public Resources Code section 6503.5. The property was sold on September 17, 1997, and title transferred to Eduardo S. Bermudez and Rita B. Bermudez.
2. Eduardo S. Bermudez and Rita B. Bermudez have applied for a new lease.
3. Applicants own the uplands adjoining the lease premises.
4. 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.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 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.

EXHIBITS:

- A. Site Plan
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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).

SIGNIFICANT LANDS INVENTORY FINDING:

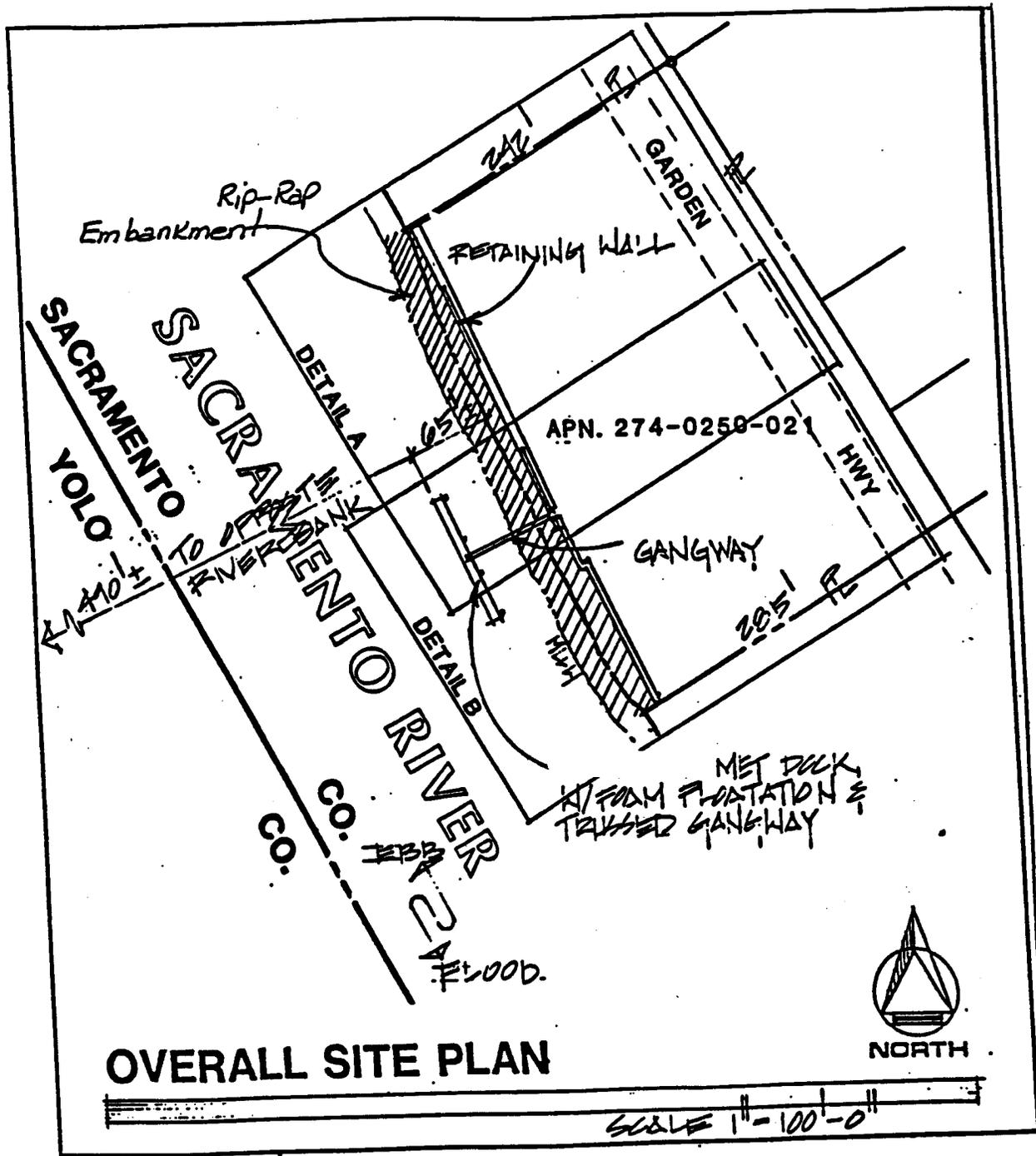
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

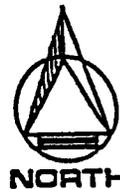
AUTHORIZE TERMINATION OF LEASE NO. PRC 7357.9, GENERAL PERMIT – PROTECTIVE STRUCTURE AND RECREATIONAL USE NO. PRC 7357.9, EFFECTIVE OCTOBER 31, 1999.

AUTHORIZE ISSUANCE TO EDUARDO S. BERMUDEZ AND RITA B. BERMUDEZ OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING NOVEMBER 1, 1999, FOR A TERM OF TEN YEARS, FOR CONTINUED USE AND MAINTENANCE OF AN EXISTING FLOATING DOCK, GANGWAY AND BANK PROTECTION ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: RECREATIONAL PIER – 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; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$500,000.

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OVERALL SITE PLAN



SCALE 1" = 100'-0"

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This exhibit is solely for purposes of generally defining the area to be leased, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or other property.

Exhibit A
WP 7357

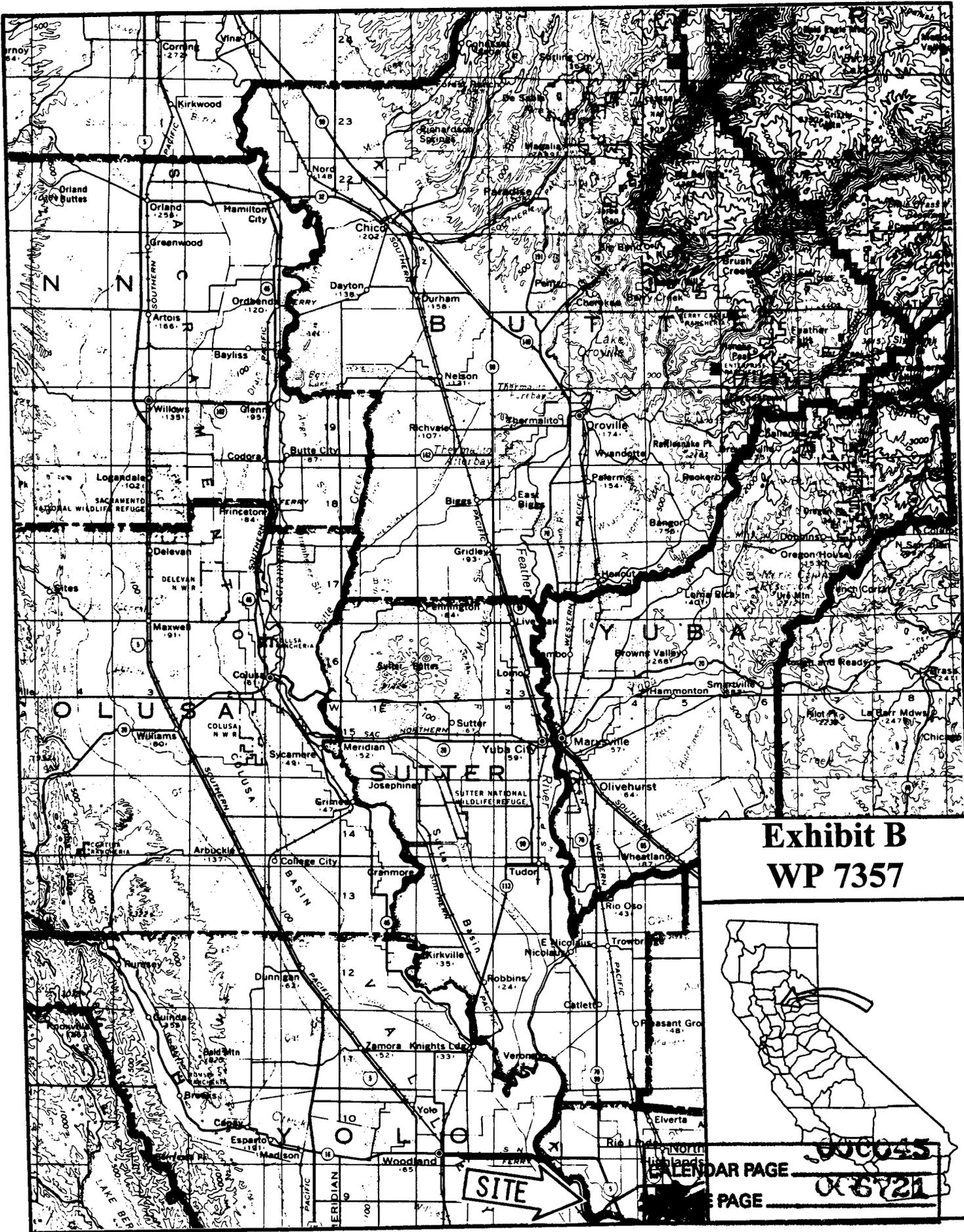


Exhibit B
WP 7357



SITE →

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