

This Calendar Item No. C01 was approved as Minute Item No. 01 by the California State Lands Commission by a vote of 3 to 0 at its 04-05-04 meeting.

**CALENDAR ITEM
C01**

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PRC 8513

04/05/04
W 25943
R. Barham

GENERAL LEASE-RECREATIONAL USE

APPLICANT:

Robert L. Hulbert

AREA, LAND TYPE, AND LOCATION:

.076 acres, more or less, of sovereign lands in the Sacramento River, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

The construction, use and maintenance of a covered floating boat dock, pilings, and gangway.

LEASE TERM:

Ten years, beginning April 1, 2004.

CONSIDERATION:

\$415 per year with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Combined single limit coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns an undivided one-sixth interest in the unimproved uplands adjoining the lease premises. The remaining interest holders (five-sixths) have indicated, in writing, that they do not object to this project.
2. Applicant does not qualify for a rent-free Recreational Pier Lease because the upland has not been improved with a single-family dwelling.
3. 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

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the CEQA under the general rule that the CEQA applies only to projects, which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061(b)(3).

3. The proposed project has been evaluated by and received permits from four federal and State agencies. The United States Army Corps of Engineers, with mandatory terms and conditions and mitigation measures and Essential Fish Habitat Conservation Recommendations from the U.S. Fish and Wildlife Service and NOAA Fisheries, respectively, issued General Permit 23 on 10/23/03. The State Reclamation Board has issued Permit 17609 dated 6/4/03. The California Department of Fish and Game entered into Stream Bed Alteration Agreement R2-2003-172 on 6/20/03 and the California Regional Water Quality Control Board issued its Water Quality Certification dated 9/17/03. The terms, conditions and requirements of the foregoing authorizations are designed to provide protection to the environment and eliminate impacts to the range of natural resources for which such agencies are responsible and that may be affected by the proposed project.

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 Map
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

April 7, 2004

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

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CEQA FINDING:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061(b)(3).

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 ISSUANCE TO ROBERT L. HULBERT OF A GENERAL LEASE-RECREATIONAL USE, BEGINNING APRIL 1, 2004, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION OF A NEW COVERED FLOATING BOAT DOCK, PILINGS, AND GANGWAY AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF;
CONSIDERATION: ANNUAL RENT IN THE AMOUNT OF \$415 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE. LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$500,000.

SECTION 3 Location Map



USGS RWB 11/4/03

This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by Lessee or other parties, 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 B
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Robert L. Hulbert.
Sacramento County

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