

MINUTE ITEM

This Calendar Item No. C20 was approved as Minute Item No. 20 by the California State Lands Commission by a vote of 3 to 0 at its 8-17-04 meeting.

CALENDAR ITEM

C20

A 15

PRC 8544

08/17/04

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W 25986

T. Lipscomb

GENERAL LEASE - PROTECTIVE STRUCTURE AND RECREATIONAL USE

APPLICANTS:

John Paletta and Sylvia Paletta

AREA, LAND TYPE, AND LOCATION:

.03 acres, more or less, of tide and submerged lands in the San Joaquin River, near the city of Isleton, Sacramento County.

AUTHORIZED USE:

Construction of a new floating boat dock and walkway, and repair of existing riprap bank protection.

LEASE TERM:

Ten years, beginning August 1, 2004.

CONSIDERATION:

Floating Boat Dock and Walkway - \$190 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Riprap Bank Protection - The public health and safety; 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.

Other: No activities or facilities are authorized on the lease until Lessee provides copies of all necessary permits from the California Department of Fish and Game, California Regional Water Quality Control Board, and the U.S. Army Corps of Engineers, including the U.S. Fish and Wildlife Service and NOAA Fisheries Final Biological Opinion, if required.

CALENDAR ITEM NO. C20 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. Applicants do not qualify for a rent-free Recreational Pier Lease because the single-family residence being constructed on the upland has not been completed.
3. The bank protection at this location provides the public levee with additional protection from wave action provided at no cost to the public.
4. **Proposed Floating Boat Dock and Walkway:**
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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

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. **Existing Riprap 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 2, Replacement or Reconstruction; Title 2, California Code of Regulations, section 2905(b).

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

6. 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.

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APPROVALS OBTAINED:

California State Reclamation Board, Brannan-Andrus Levee Maintenance District.

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game, U.S. Army Corps of Engineers, California Regional Water Quality Control Board

EXHIBITS:

- A. Site Plan
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

June 13, 2004

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PROPOSED FLOATING BOAT DOCK AND WALKWAY:

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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

EXISTING RIPRAP 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 2, REPLACEMENT OR RECONSTRUCTION; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(b).

CALENDAR ITEM NO. C20 (CONT'D)

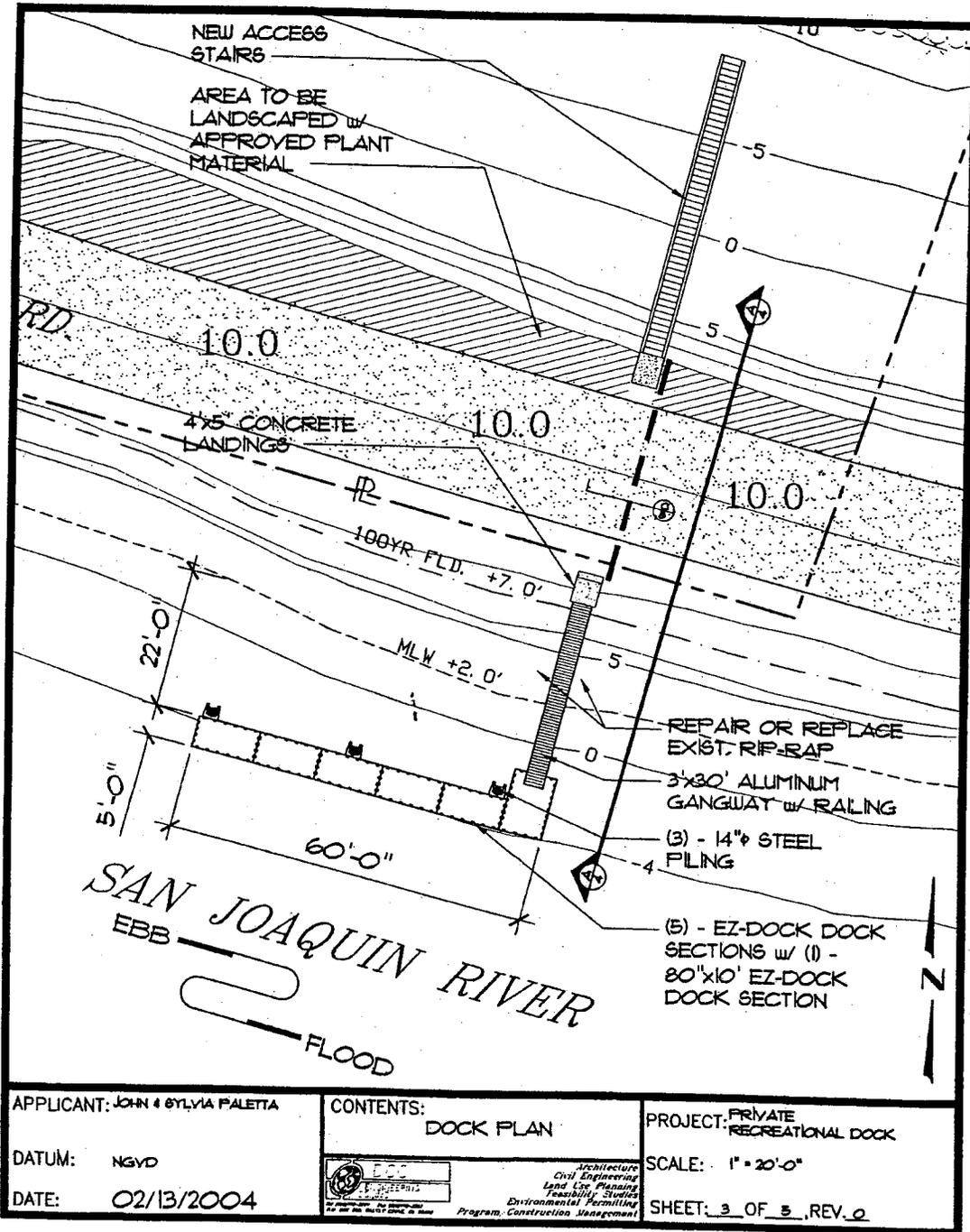
SIGNIFICANT LANDS INVENTORY FINDING:

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 JOHN PALETTA AND SYLVIA PALETTA OF A GENERAL LEASE - PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING AUGUST 1, 2004, FOR A TERM OF TEN YEARS, FOR CONSTRUCTION OF A NEW FLOATING BOAT DOCK AND WALKWAY, AND REPAIR OF EXISTING RIPRAP BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: FOR THE PROPOSED FLOATING BOAT DOCK AND WAKWAY- ANNUAL RENT IN THE AMOUNT OF \$190, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; FOR THE EXISTING RIPRAP 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 WITH COVERAGE OF NO LESS THAN \$500,000.

Site Plan



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.

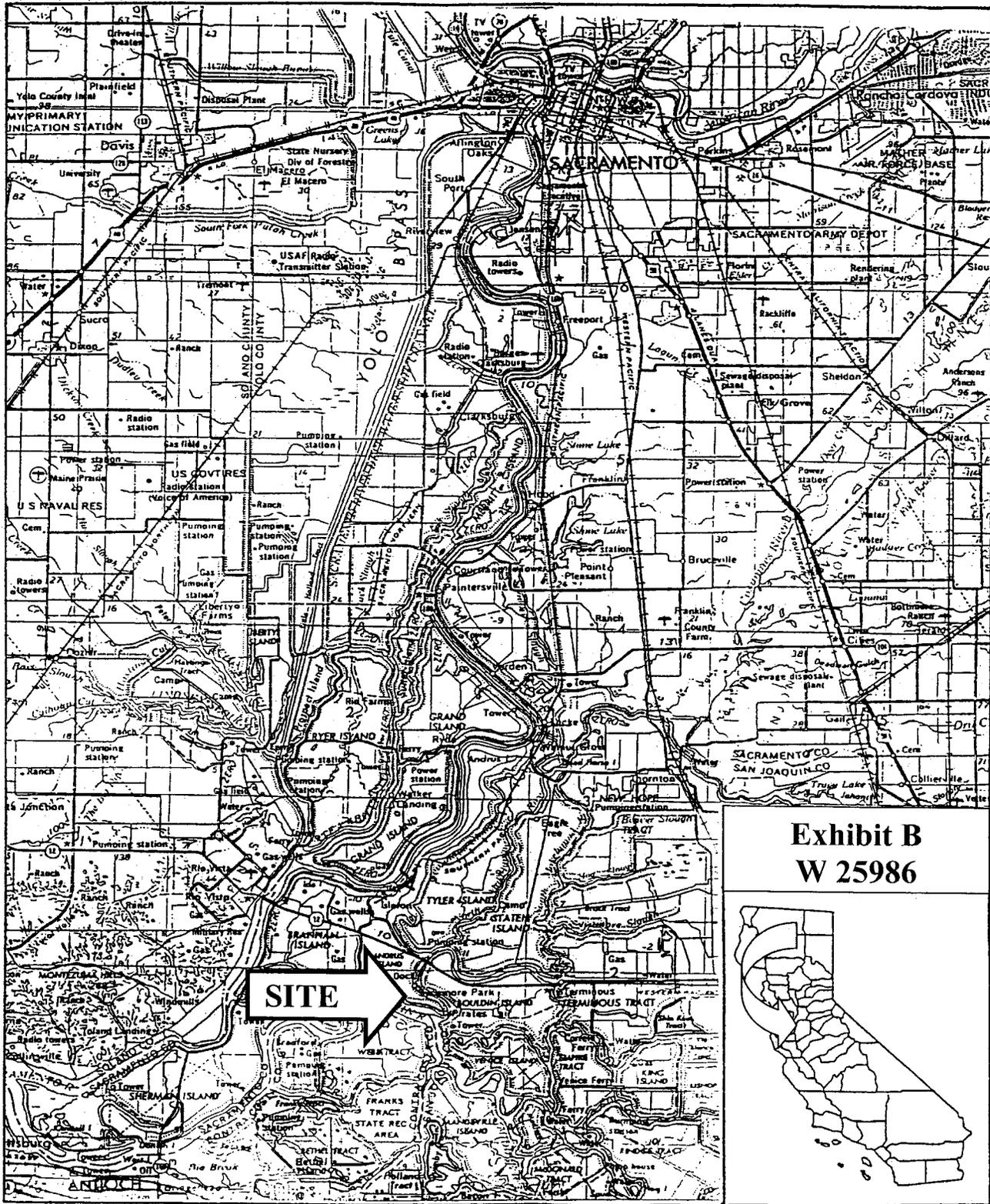
Exhibit A W 25986
 APN: 156-0180-004
 SACRAMENTO COUNTY

TKL 04/26/2004

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Location Map



**Exhibit B
W 25986**

EXHIBIT CONSTRUCTED FROM USGS QUAD

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