

MINUTE ITEM
This Calendar Item No. C27 was approved as
Minute Item No. 27 by the California State Lands
Commission by a vote of 3 to 0 at its
10/06/04 meeting.

CALENDAR ITEM
C27

A 15

10/06/04

S 5

PRC 5159

WP 5159.9

V. Massey

**TERMINATION OF GENERAL LEASE
PROTECTIVE STRUCTURE AND RECREATIONAL USE;
AND ISSUANCE OF GENERAL LEASE
PROTECTIVE STRUCTURE AND RECREATIONAL USE**

APPLICANTS:

William F. Schaber and
Susan M. Schaber

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Georgiana Slough, near the city of Isleton, Sacramento
County.

AUTHORIZED USE:

Continued use and maintenance of an existing double berth boat dock with
boatlift, floating dock, ramp, and bank protection.

LEASE TERM:

Ten years, beginning October 1, 2004.

CONSIDERATION:

Double Berth Boat Dock with boatlift, Floating Dock, 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 monetary rental if the Commission finds such action to be in the
State's best interest.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

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2. On February 27, 1998, the Commission authorized a General Lease – Protective Structure and Recreational Use with Gale Leatherman. That lease will expire on October 31, 2007. The property was subsequently transferred to William F. Schaber and Susan M. Schaber. William F. Schaber and Susan M. Schaber have requested a new General Lease – Protective Structure and Recreational Use. Applicants qualify for a rent-free double berth boat dock, floating dock and ramp because the applicants are natural persons who have improved the littoral land with, and use the upland, for a single-family dwelling. The existing lease is being terminated effective September 30, 2004, and the new lease will begin effective October 1, 2004.
3. The bank protection at this location mutually benefits both the public and the applicant. The bank of the slough will have the additional protection from wave action provided at no cost to the public.
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 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, and Section 2954 is not applicable.

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EXHIBITS:

- A. Site Map
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

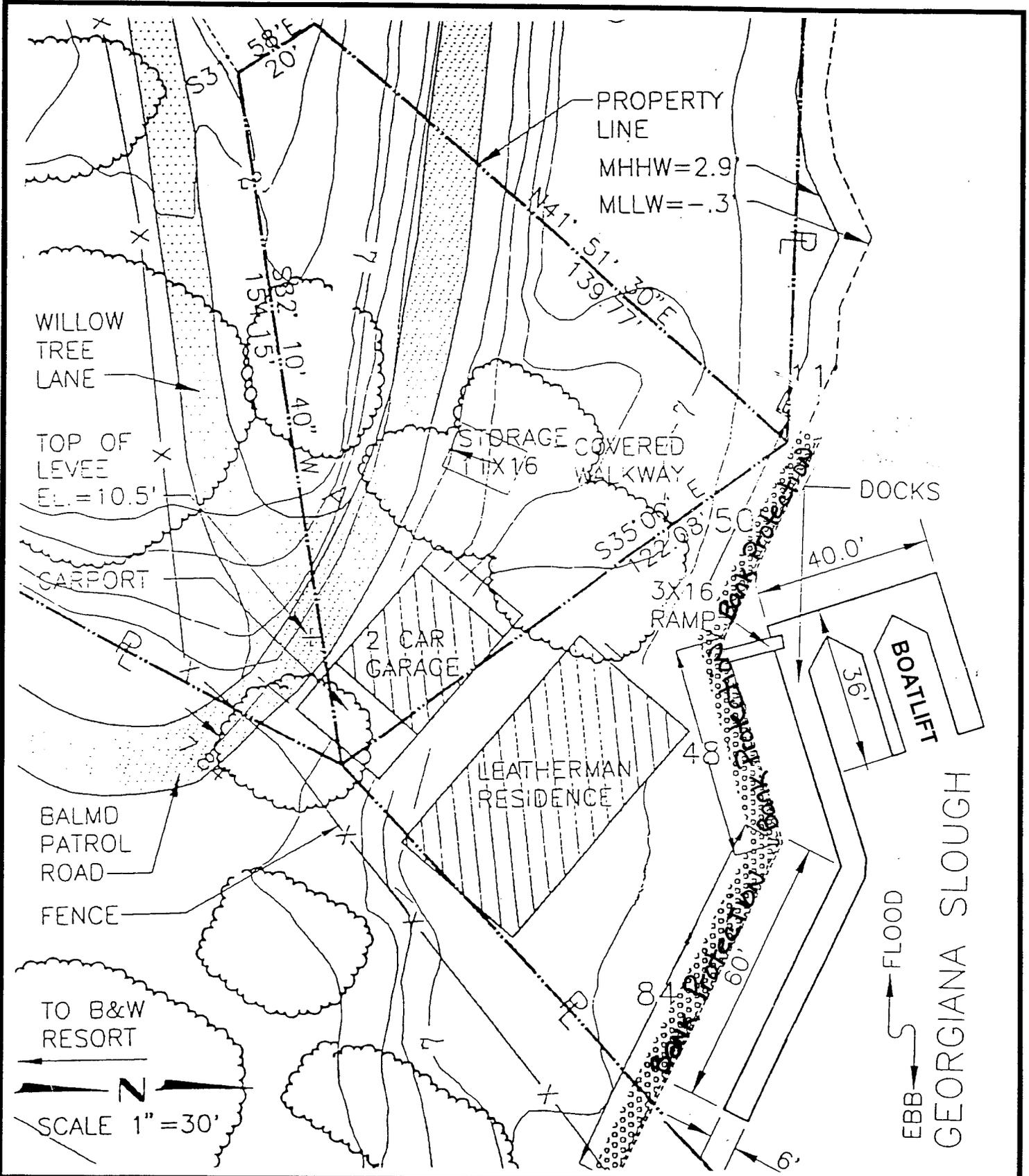
CEQA FINDING:

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).

AUTHORIZATION:

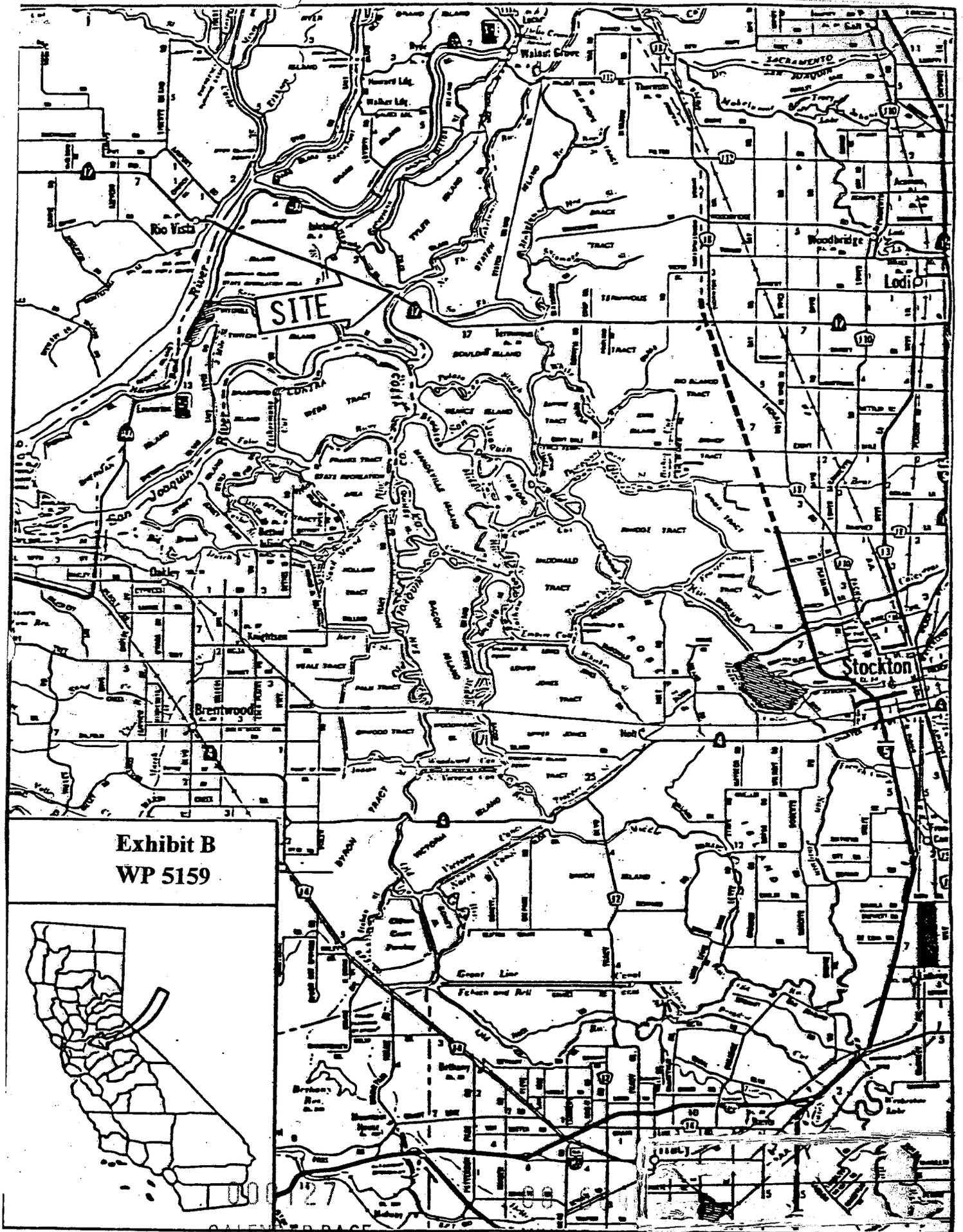
1. AUTHORIZE TERMINATION OF GENERAL LEASE – PROTECTIVE STRUCTURE AND RECREATIONAL USE, EFFECTIVE SEPTEMBER 30, 2004.

2. AUTHORIZE ISSUANCE TO OF A GENERAL LEASE - PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING OCTOBER 1, 2004, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING DOUBLE BERTH BOAT DOCK WITH BOATLIFT, FLOATING DOCK, RAMP AND BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: DOUBLE BERTH BOAT DOCK, FLOATING DOCK 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 MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.



This exhibit is solely for purposes of generally defining the leased premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.

Exhibit A
WP 5159.9



CALENDAR PAGE

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USGS QUAD

VM 8/10/04