

This Calendar Item No. C37 was approved as Minute Item No. 37 by the California State Lands Commission by a vote of 3 to 0 at its 4-26-05 meeting.

CALENDAR ITEM
C37

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PRC 6879

04/26/05
W 6879.9
V. Massey

**GENERAL LEASE
PROTECTIVE STRUCTURE AND RECREATIONAL USE**

APPLICANTS:

Henry Adair and Clara E. Adair, Co-Trustees of the Adair Family Living Trust
Dated: February 1, 1990.

AREA, LAND TYPE, AND LOCATION:

Tide and submerged lands in the Sacramento River adjacent to the Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

The continued use and maintenance of an existing floating dock, steel ramp, and bank protection.

LEASE TERM:

Ten years, beginning August 28, 2005.

CONSIDERATION:

Floating dock and steel 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 rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance with combined coverage no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

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2. On July 6, 1995, the Commission authorized a General Lease - Protective Structure and Recreational Use with Henry Adair and Clara E. Adair. That lease will expire on August 28, 2005. Henry Adair and Clara E. Adair are now applying for a new General Lease - Protective Structure and Recreational Use. Applicants qualify for a rent free 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.
3. The bank protection at this location mutually benefits both the public and the applicant. The bank of the River 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 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

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 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

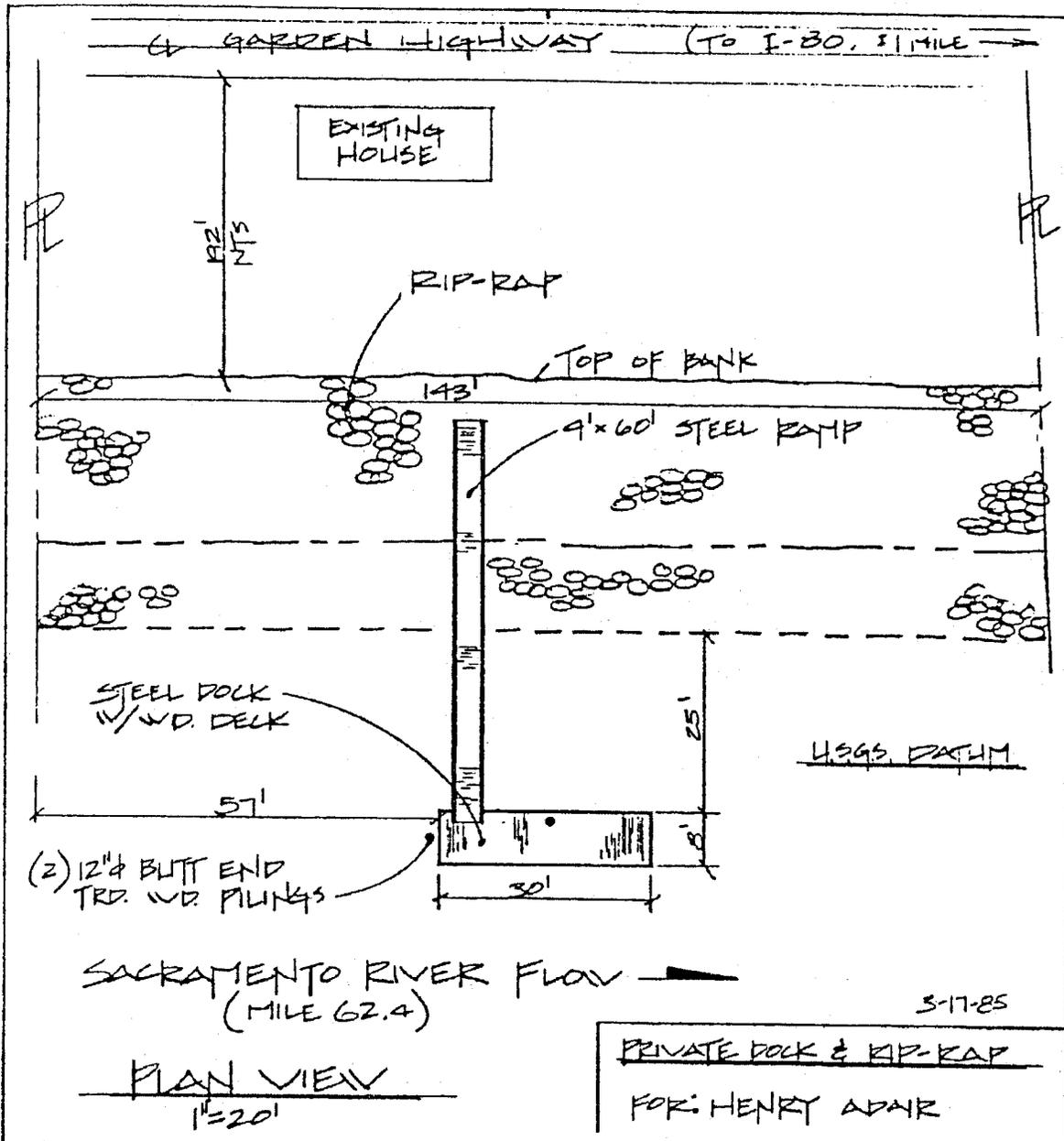
SIGNIFICANT LANDS INVENTORY FINDING:

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 ISSUANCE TO HENRY ADAIR AND CLARA E. ADAIR CO-TRUSTEES OF THE ADAIR FAMILY LIVING TRUST DATED: FEBRUARY 1, 1990 OF A GENERAL LEASE - PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING AUGUST 28, 2005, FOR A TERM OF TEN-YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING FLOATING DOCK, STEEL RAMP, AND BANK PROTECTION, AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: FLOATING DOCK AND STEEL 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.

Site Plan



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
PRC 6879.9

VLM 1/24/2005

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