MINUTE ITEM
This Calendar Item No. C21 was approved as Minute Item No. 21 by the California State Lands Commission by a vote of 3 to 0 at its 06/20/05 meeting.

CALENDAR ITEM
C21

A 2, 5

S 4, 6

06/20/05
PRC 8613.9 W 26005
J. McComas

GENERAL LEASE – PROTECTIVE STRUCTURE AND RECREATIONAL USE

APPLICANTS:
Tyson M. Shower and Hilary J. Shower

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:
Construction, use and maintenance of a single berth uncovered floating boat dock, ramp, pilings, boat lift, and bank protection.

LEASE TERM:
Ten years, beginning June 20, 2005.

CONSIDERATION:
Single berth uncovered floating boat dock, ramp, pilings and boat lift - No monetary consideration pursuant to 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:
Insurance:
Liability insurance with coverage no less than $500,000.
Other:
This lease is conditioned on Lessee obtaining authorization from U. S. Army Corps of Engineers, U. S. Fish and Wildlife Service, NOAA Fisheries, California Department of Fish and Game, State Reclamation Board and the California Regional Water Quality Control Board prior to the placement of the riprap, the installation of the boat lift and the

reconstruction and relocation of the ramp. All approvals are to be submitted to this Commission for review and approval prior to the placement of the riprap and the installation of the boat lift and the reconstruction and relocation of the ramp.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises and have applied for a lease. Applicants qualify for a rent-free single berth uncovered floating boat dock, ramp, pilings, boat lift, and bank protection because the applicants are natural persons who have improved the upland with, and use the upland for, a single family dwelling.

2. The bank protection at this location mutually benefits both the public and the applicants. The bank protection of the River will have the additional protection from wave action provided at no cost to the public.

3. **Single berth uncovered floating boat dock, ramp, pilings and boat lift:**
   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.

4. **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 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304.

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

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. Based upon 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.

APPROVALS OBTAINED (SINGLE BERTH UNCOVERED FLOATING DOCK, RAMP, AND PILINGS):

U. S. Army Corps of Engineers, U. S. Fish and Wildlife Service, NOAA Fisheries, California Department of Fish and Game, State Reclamation Board and the California Regional Water Quality Control Board.

FURTHER APPROVALS REQUIRED (RIPRAP, BOAT LIFT, AND RAMP):

U. S. Army Corps of Engineers, U. S. Fish and Wildlife Service, NOAA Fisheries, California Department of Fish and Game, State Reclamation Board and the California Regional Water Quality Control Board.

EXHIBITS:

A. Site
B. Location

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

SINGLE BERTH UNCOVERED FLOATING BOAT DOCK, RAMP, PILINGS AND BOAT LIFT: 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).

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 4, MINOR ALTERATIONS TO LAND; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304.

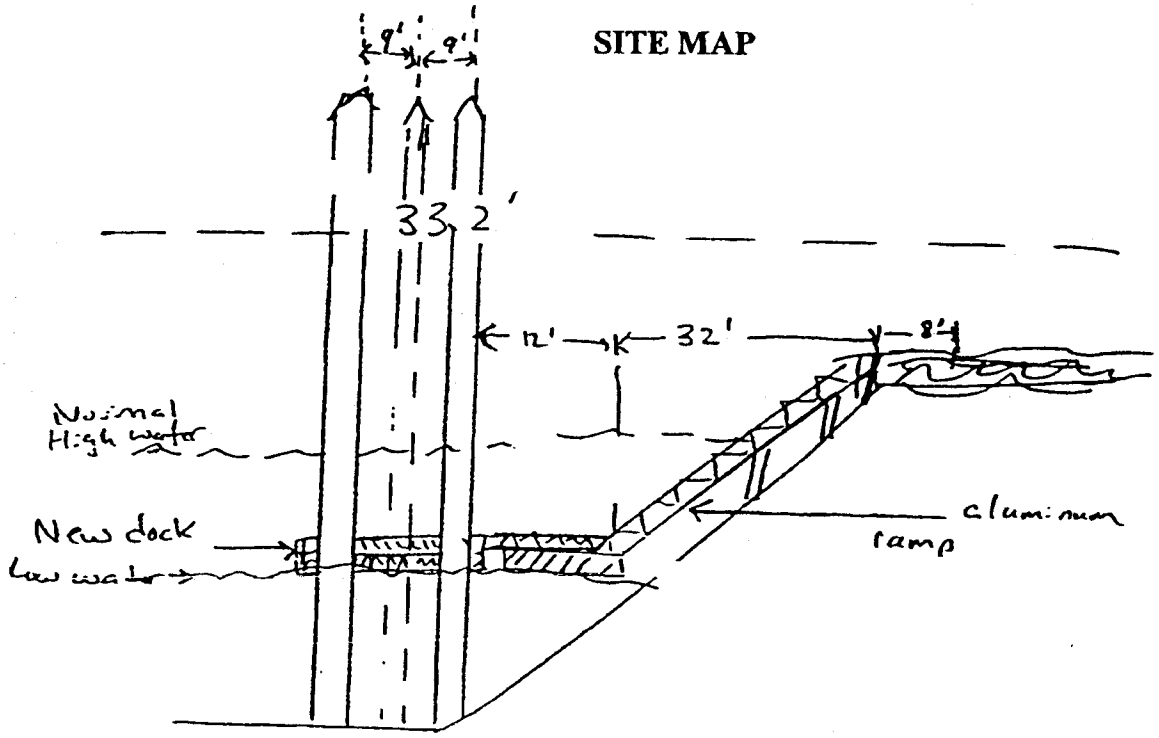
SIGNIFICANT LANDS INVENTORY FINDING:

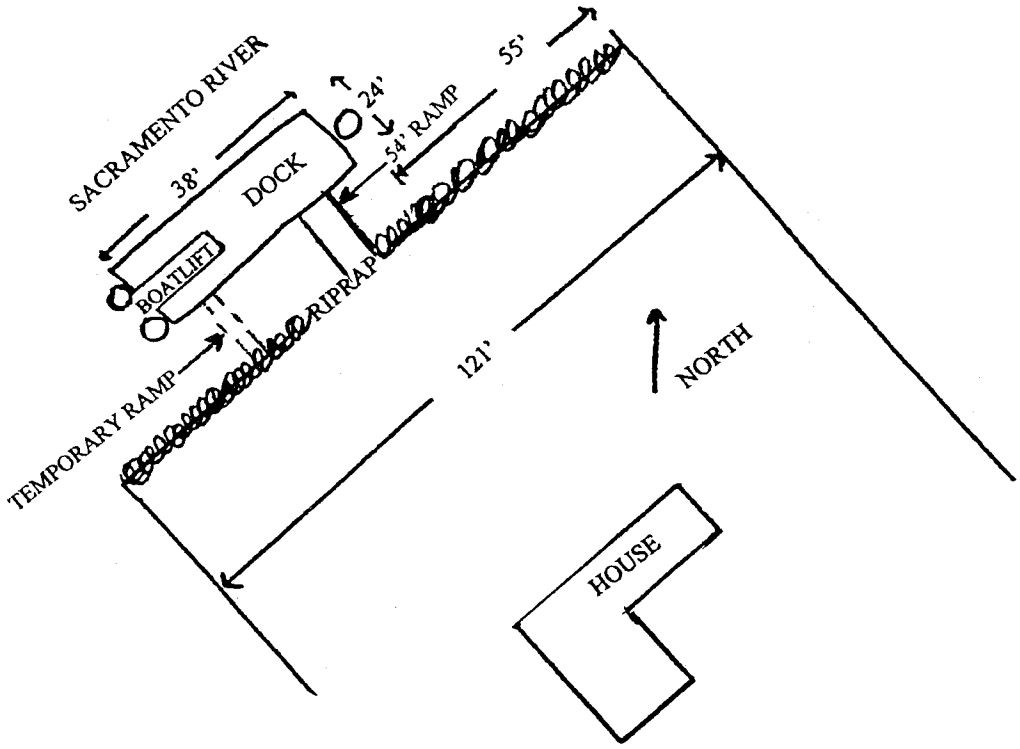
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO TYSON M. SHOWER AND HILARY J. SHOWER OF A GENERAL LEASE – PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING JUNE 20, 2005, FOR A TERM OF TEN YEARS, FOR THE CONSTUCTION, USE, AND MAINTENANCE OF A SINGLE BERTH UNCOVERED FLOATING BOAT DOCK, RAMP, PILINGS, BOAT LIFT, AND BANK PROTECTION, AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION – SINGLE BERTH FLOATING UNCOVERED BOAT DOCK, RAMP, PILINGS AND BOAT LIFT: 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 THAT SUCH ACTIONS TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $500,000.

SITE MAP

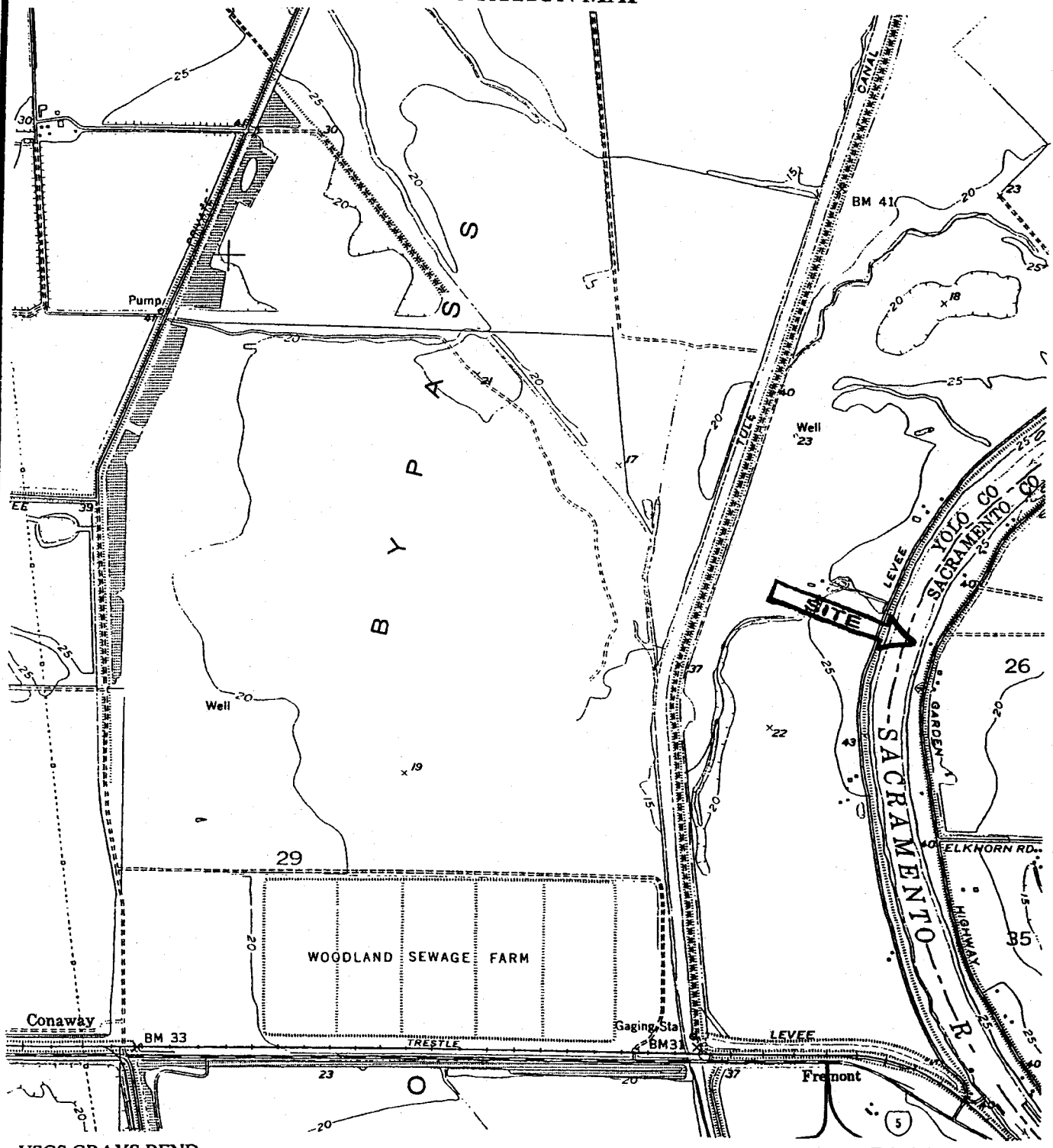




JM 5/20/05

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** **W 26005** **SHOWER** **6941 GARDEN HIGHWAY**

LOCATION MAP



USGS GRAYS BEND

JM 7/1/2004

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EXHIBIT B
W 26005
SHOWER
6941 GARDEN HIGHWAY