MINUTE ITEM
This Calendar Item No. C38 was approved as Minute Item No. 38 by the California State Lands Commission by a vote of 3 to 0 at its 8-8-05 meeting.

CALENDAR ITEM
C38

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08/08/05
PRC 5530 WP 5530.9
J. McComas

GENERAL LEASE-
RECREATIONAL USE AND PROTECTIVE STRUCTURE USE

APPLICANT:
The Edward R. Bronder Family Trust, DTD 3/15/04
Edward R. Bronder, Trustee

AREA, LAND TYPE, AND LOCATION:
Tide and submerged lands in the Sacramento River, adjacent to the Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:
Reconfiguration of an existing 120 foot uncovered boat dock into a 60 foot U-shaped boat dock, construct a gangway, install pilings; and use and maintenance of existing bank protection.

LEASE TERM:
Ten years, beginning August 8, 2005

CONSIDERATION:
Floating boat dock with pilings and gangway - 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:
Liability insurance: Combined single limit coverage of no less than $500,000.

OTHER PERTINENT INFORMATION:
1. Applicant owns the uplands adjoining the lease premises.

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2. On February 6, 1989, the Commission authorized a Recreational Pier Permit to David B. Black and Susan J. Black for one existing covered boathouse. That lease has expired and the covered boathouse has been removed. The upland property was subsequently transferred to The Edward R. Bronder Family Trust, DTD 3/15/04, Edward R. Bronder, Trustee. Mr. Bronder proposes to reconfigure an existing 120 foot uncovered boat dock into a 60 foot U-shaped uncovered boat dock, construct a 60 foot gangway and install pilings. Bank protection currently exists along the river bank. Edward R. Bronder, Trustee has applied for a new lease. Applicant qualifies for a rent free lease for the boat dock gangway and pilings because the applicant is a natural person who has improved the littoral lands with and uses the upland for a single-family dwelling.

3. Bank protection at this location provides additional protection to the public levees from wave action at no cost to the public.

4. **RECONFIGURED UNCOVERED FLOATING BOAT DOCK AND GANGWAY:** 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 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 Alteration to Land; Title 2, California Code of Regulations, section 2905 (d)(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.

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.

APPROVALS OBTAINED:

U. S. Army Corps of Engineers, U. S. Fish and Wildlife Service, NOAA Fisheries, California Department of Fish and Game, and Reclamation District 1000.

EXHIBIT:

A. Site Plan/Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

RECONFIGURED UNCOVERED FLOATING BOAT DOCK AND GANGWAY: 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 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 ALTERATION TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

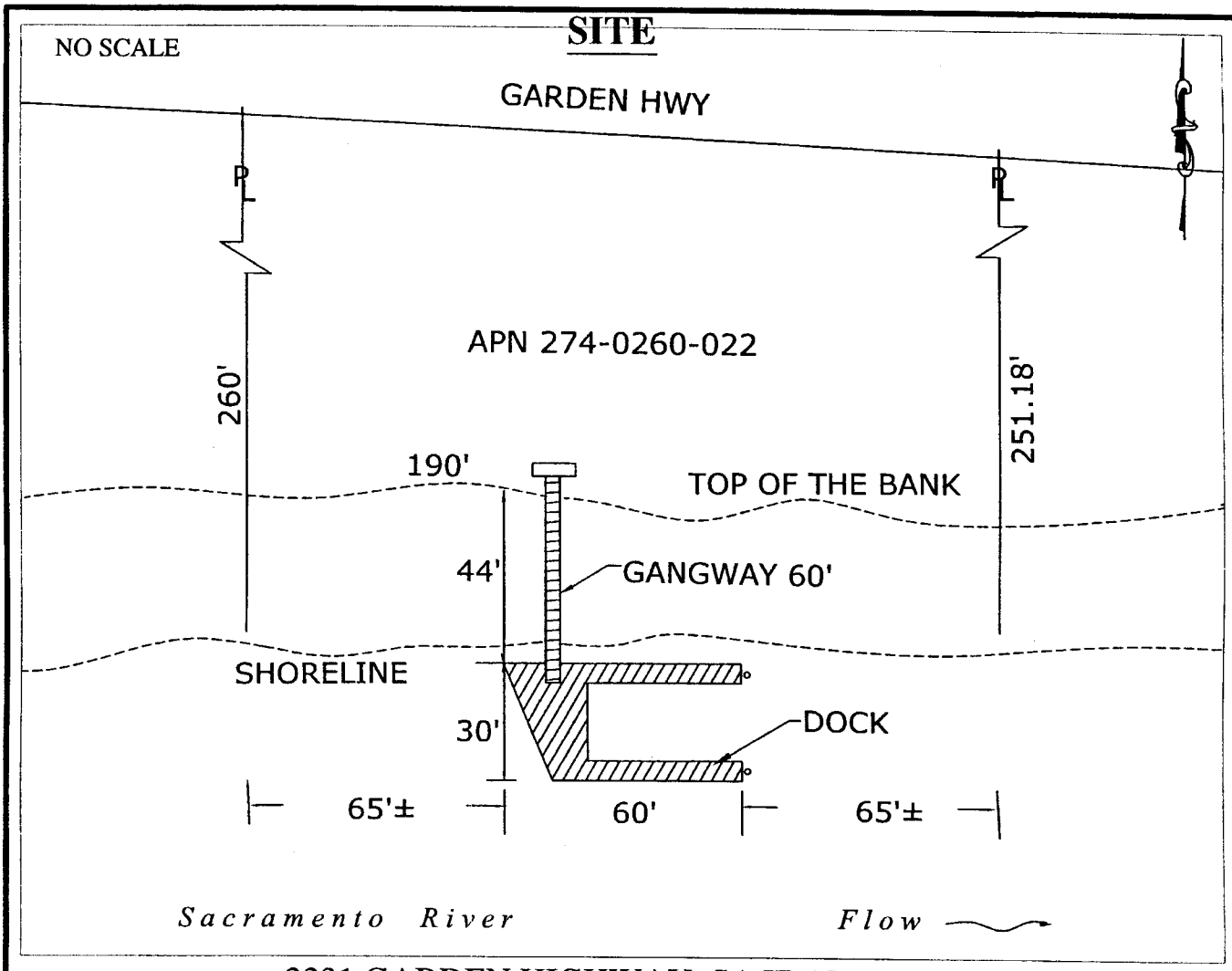
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE EDWARD R. BRONDER FAMILY TRUST, DTD 3/15/04, EDWARD R. BRONDER, TRUSTEE, OF A GENERAL LEASE –RECREATIONAL USE AND PROTECTIVE STRUCTURE USE, BEGINNING AUGUST 8, 2005, FOR A TERM OF TEN YEARS, FOR THE RECONFIGURATION OF AN EXISTING 120 FOOT BOAT DOCK INTO A 60-FOOT U-SHAPED BOAT DOCK, A GANGWAY, PILINGS, AND BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: UNCOVERED FLOATING BOAT DOCK WITH PILINGS AND GANGWAY – 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: COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN $500,000.

NO SCALE

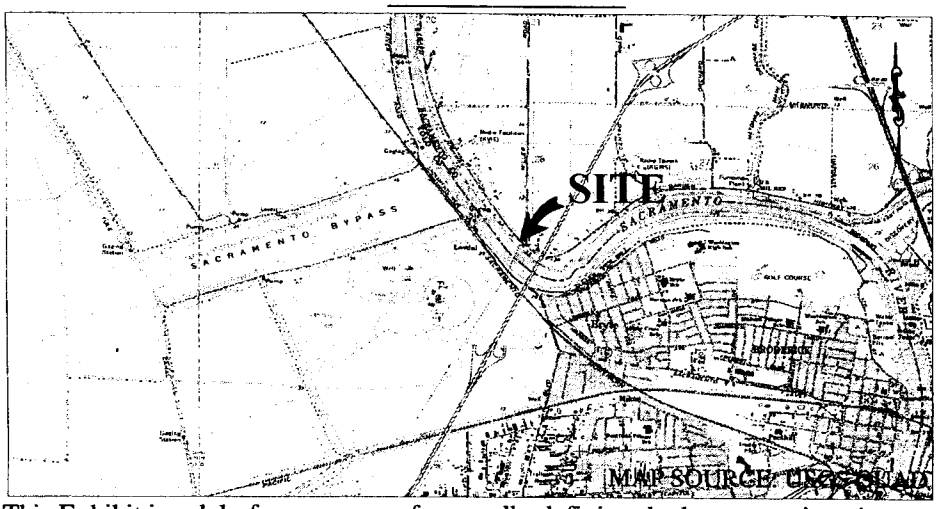
SITE



2231 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the 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 any other property.

Exhibit A

WP 5530
EDWARD BRONDER
RECREATIONAL USE
SACRAMENTO RIVER
SACRAMENTO CO.

MJ 7/05