

**CALENDAR ITEM
C41**

A 8, 15

08/08/05

S 5, 14

PRC 5349 WP 5349.1
N. Quesada

**GENERAL LEASE – RECREATIONAL
AND PROTECTIVE STRUCTURE USE**

APPLICANT:

Barry Agri/Tech, Incorporated

AREA, LAND TYPE, AND LOCATION:

0.051 acres, of tide and submerged lands in Georgiana Slough, in Walnut Grove, Sacramento County.

AUTHORIZED USE:

Expansion of an existing boat dock into a double-berth boat dock, and continued use and maintenance of an existing gangplank, pilings, and bank protection.

LEASE TERM:

Ten years, beginning March 23, 2004

CONSIDERATION:

Expansion of Existing Boat Dock into a Double-berth Boat Dock:
\$280 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

Bank Protection:

The public use and benefit; with the State reserving the right at anytime to set a monetary rent if the Commission finds such action to be in the State's best interest

SPECIFIC LEASE PROVISIONS:

Insurance: Combined Single Limit coverage of no less than \$500,000.

Bond: \$2,500

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

CALENDAR ITEM NO. C41 (CONT'D)

2. On April 6, 1994, the Commission authorized a General Lease – Recreational and Protective Structure Use to Nelson C. and Jeanie M. Barry. That lease subsequently expired and the upland property was transferred to Barry Agri/Tech, Incorporated. Barry Agri/ Tech, Incorporated now wants to obtain a new lease.
3. The bank protection 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. The dock, which was under lease, had extensive deterioration; therefore, the Applicant rebuilt the existing boat dock and expanded it without, Commission authorization, from a single-berth boat dock into a double-berth boat dock. The new lease will cover the expanded facility for a new ten year term. The existing gangplank, three existing pilings, and bank protection remained unchanged.
5. **Expansion of Boat Dock into a Double-Berth bock dock:**
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.
6. **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 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

CALENDAR ITEM NO. C41 (CONT'D)

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905. 30, 33, 35

7. 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 state school lands 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, section 2954 is not applicable.

EXHIBIT:

- A. Site Map and Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

EXPANSION OF BOAT DOCK INTO A DOUBLE-BERTH BOAT DOCK:
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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

CALENDAR ITEM NO. C41 (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:

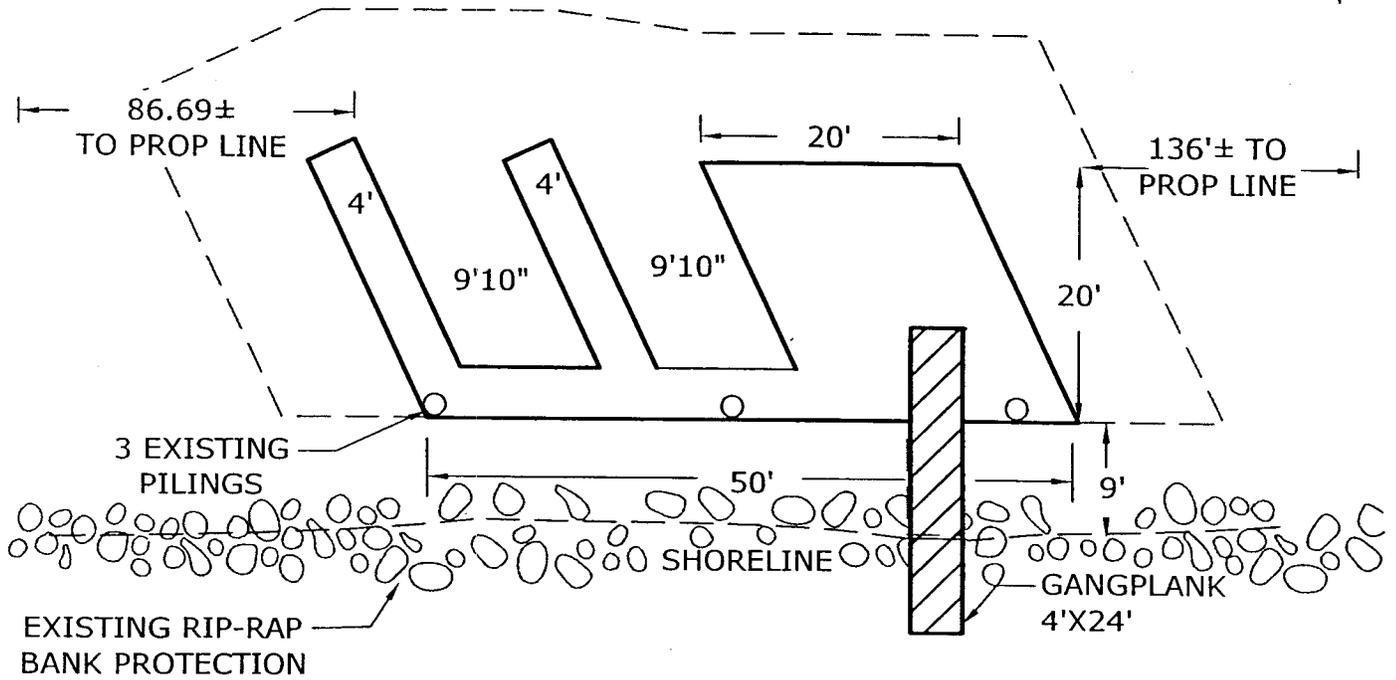
AUTHORIZE ISSUANCE TO BARRY AGRI/TECH, INCORPORATED, OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING MARCH 23, 2004, FOR A TERM OF TEN YEARS, FOR THE EXPANSION OF AN EXISTING BOAT DOCK INTO A DOUBLE-BERTH BOAT DOCK, AND CONTINUED USE AND MAINTENANCE OF AN EXISTING GANGPLANK, PILINGS, 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, GANGPLANK, AND PILINGS - ANNUAL RENT IN THE AMOUNT OF \$280.00, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; BANK PROTECTION: THE PUBLIC USE AND BENEFIT, WITH THE STATE RESERVING THE RIGHT AT ANYTIME TO SET A MONETARY RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST. LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$500,000; SURETY BOND IN THE AMOUNT OF \$2,500.

NO SCALE

SITE

Flow

Georgiana Slough



APN 146-0180-033-0000

14260 RIVER ROAD, GEORGIANA SLOUGH

NO SCALE

LOCATION

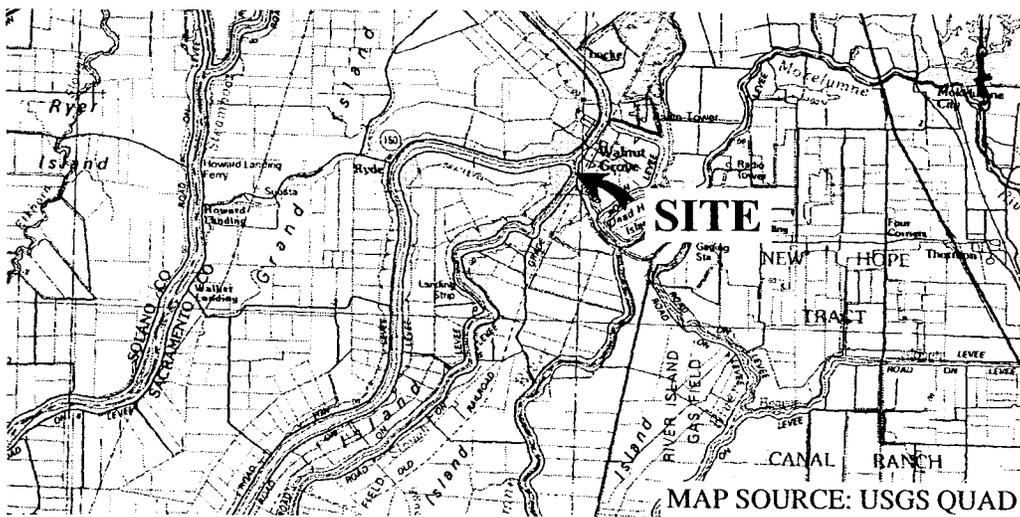


Exhibit A

PRC 5349.1

BARRY AGRI/TECH, INC.

APN 146-0180-067

GEORGIANA SLOUGH

SACRAMENTO CO.



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.