MINUTE ITEM
This Calendar Item No. C43 was approved as Minute Item No. 43 by the California State Lands Commission by a vote of 3 to 0 at its 8-8-05 meeting.

CALENDAR ITEM
C43

A 5,2

S 4,6

PRC 6352

08/08/05
WP 6352.1
N. Quesada

TERMINATION OF A RECREATIONAL PIER LEASE AND ISSUANCE OF A NEW GENERAL LEASE- PROTECTIVE STRUCTURE AND RECREATIONAL USE

APPLICANTS:
Marc A. Brennen and Patricia L. Brennen

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:
Continued use and maintenance of an existing U-shaped boat dock, a ramp, one piling, a two-pile dolphin, existing bank protection, two new steel pilings and strengthening two existing wood piles with steel sleeves.

PREVIOUS LEASE TERM(S):
Ten years, beginning November 29, 2002.

PROPOSED LEASE TERM:
Ten years, beginning August 8, 2005.

CONSIDERATION:
U-Shaped Boat Dock, Ramp, One Piling and a Two-Pile Dolphin: 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. Applicants own the uplands adjoining the lease premises.

2. On February 21, 2003, the Commission authorized a ten-year Recreational Pier Lease with Marc A. Brennen and Patricia L. Brennen commencing on November 29, 2002. The Applicants have applied to the Commission for authorization to reinforce their existing U-shaped boat dock with necessary support to protect it from the increased boat wakes. The proposed project is the installation of two new steel pilings, and installation of slide steel sleeves over two existing wood piles. Applicants qualify for a rent-free lease pursuant to Public Resources Code section 6503.5 because the Applicants are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling. Staff is recommending termination of the existing lease effective August 8, 2005 and approval of a new General Lease – Protective Structure and Recreational Use to include the bank protection.

3. The existing bank protection at this location mutually benefits both the public and the applicant. The public levee will have the additional protection from wave action provided at no cost to the public.

4. **Termination of Existing Recreational Pier Lease PRC 6352.9:**
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

   Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

5. **Existing U-Shaped Boat Dock, Ramp, One Piling, and a Two- Pile Dolphin**:
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.

6. **Installation of Additional Pilings:**
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 or Conversion of Small Structures; Title 14, California Code of Regulations, section 15303.

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

7. **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 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.

8. 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; and National Marine Fisheries Service.

FURTHER APPROVALS REQUIRED:
The Reclamation Board

EXHIBIT:
A. Site Map and Location Map

RECOMMENDED ACTION:
IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDINGS:
1. **TERMINATION OF EXISTING LEASE:**

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

2. **ISSUANCE OF A NEW LEASE:**
EXISTING U-SHAPED BOAT DOCK, RAMP, A PILING, AND A TWO-PILE DOLPHIN:
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).

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

INSTALLATION OF TWO NEW PILINGS:
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 OR CONVERSION OF SMALL STRUCTURES; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15303.

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.

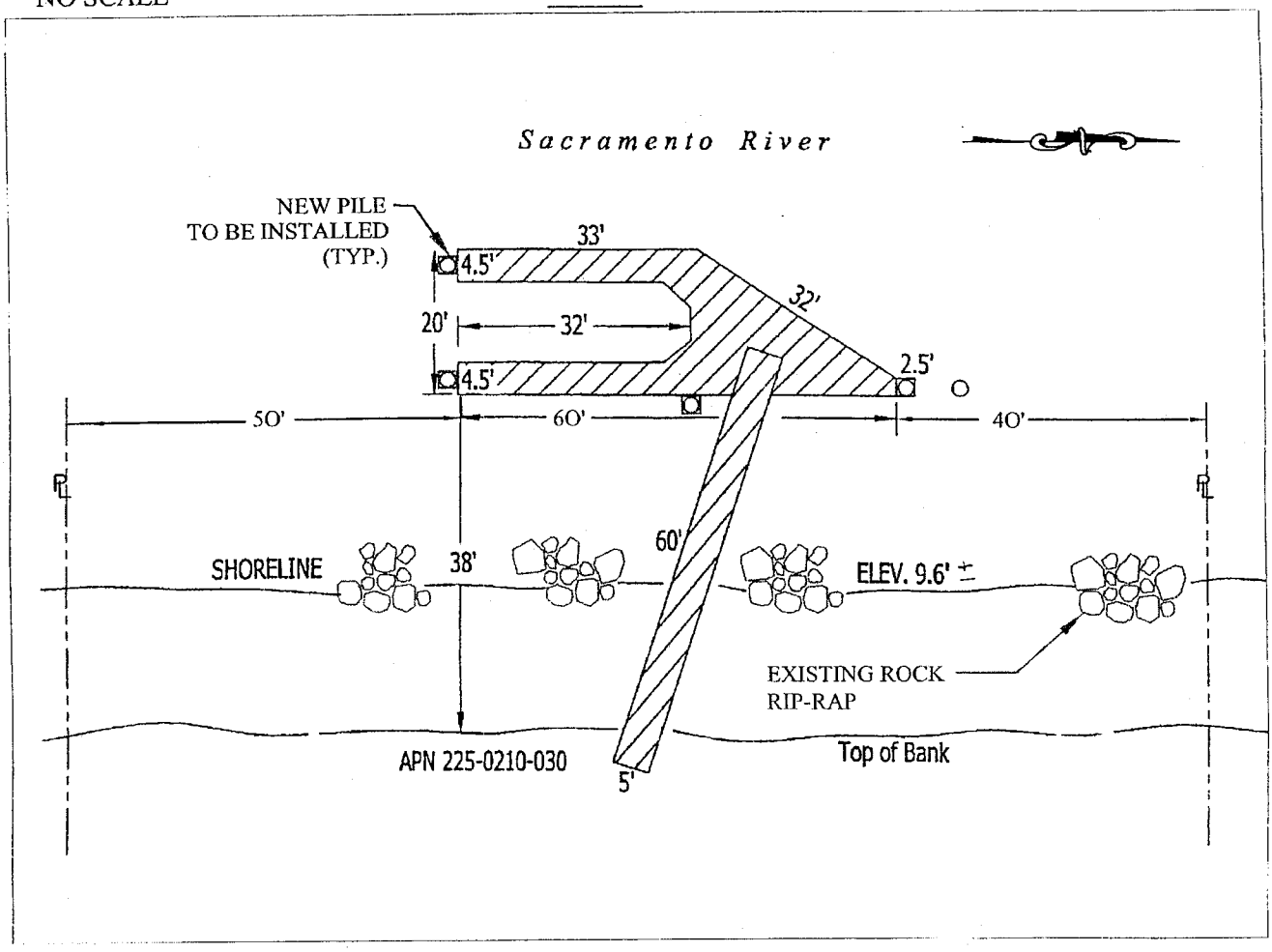
AUTHORIZATION:

1. **TERMINATION OF EXISTING LEASE:**
AUTHORIZE TERMINATION OF RECREATIONAL PIER LEASE NO. PRC 6352.9, ISSUED TO MARC A. BRENNEN AND PATRICIA L. BRENNEN, EFFECTIVE AUGUST 8, 2005.

2. **ISSUANCE OF A NEW LEASE**:
AUTHORIZE ISSUANCE TO MARC A. BRENNEN AND PATRICIA L. BRENNEN OF A GENERAL LEASE – PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING AUGUST 8, 2005, FOR A TERM OF TEN YEARS, FOR: 1) CONTINUED USE AND MAINTENANCE OF AN EXISTING U-SHAPED BOAT DOCK, A RAMP, A PILING, A TWO-PILE DOLPHIN, AND EXISTING BANK PROTECTION; AND 2) INSTALLATION OF TWO NEW STEEL PILINGS, AND STRENGTHENING TWO EXISTING WOOD PILINGS WITH STEEL SLEEVES AS REPRESENTED ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: NO MONETARY CONSIDERATION FOR THE U-SHAPED BOAT DOCK, RAMP, ONE PILING, A TWO PILE DOLPHIN, AND TWO NEW STEEL PILINGS PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; THE PUBLIC USE AND BENEFIT FOR BANK PROTECTION 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; LIABILITY INSURANCE: COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN $500,000.

NO SCALE

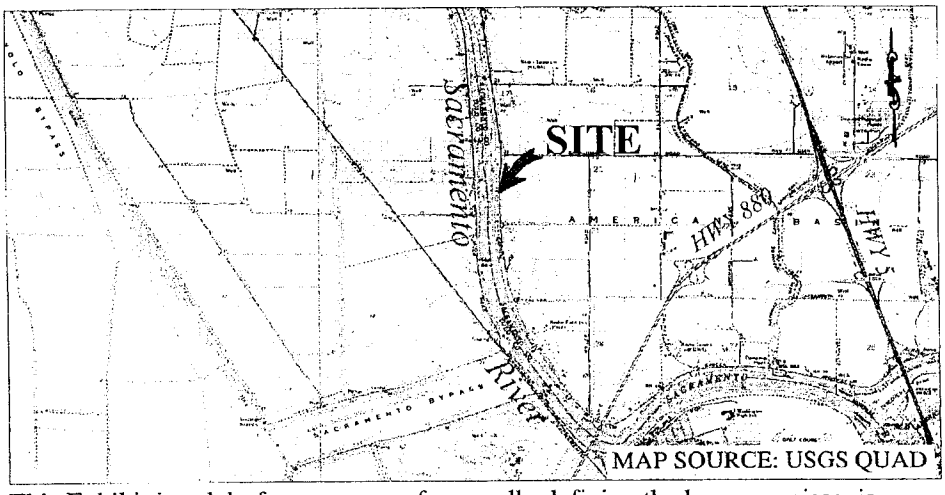
SITE



2945 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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

WP6352.9
Marc & Patricia Brennen
APN 225-0210-030
Sacramento River
SACRAMENTO CO.

MJJ 12/04