

MINUTE ITEM

This Calendar Item No. C38 was approved as Minute Item No. 38 by the California State Lands Commission by a vote of 2 to 0 at its 12-08-05 meeting.

**CALENDAR ITEM
C38**

A 15

12/08/005

PRC 8544

WP 8544

S 5

T. Lipscomb

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

APPLICANTS:

John Paletta and Sylvia Paletta

AREA, LAND TYPE, AND LOCATION:

Tide and submerged lands in the San Joaquin River, near city of Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, walkway, and bank protection.

LEASE TERM:

Ten years, beginning July 31, 2005.

CONSIDERATION:

Floating boat dock and walkway - no monetary consideration pursuant to Public Resources Code 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 coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

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2. On August 17, 2004, the Commission issued a General Lease – Protective Structure and Recreational Use to John Paletta and Sylvia Paletta, for a floating boat dock, walkway and riprap bank protection. The boat dock and walkway were not rent-free because their single-family residence had not been constructed. They now qualify for a rent-free boat dock and walkway because the single-family residence was completed in January, 2005.
3. The 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. 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

CALENDAR ITEM NO. C38 (CONT'D)

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

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:

1. AUTHORIZE TERMINATION OF A GENERAL LEASE – PROTECTIVE STRUCTURE AND RECREATIONAL USE, PRC 8544.1, EFFECTIVE JULY 30, 2005.

2. AUTHORIZE ISSUANCE TO JOHN PALETTA AND SYLVIA PALETTA OF A NEW GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, PRC 8544.9, BEGINNING JULY 31, 2005, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, WALKWAY, AND BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: FLOATING BOAT DOCK AND WALKWAY: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE 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; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$500,000.

Location Map

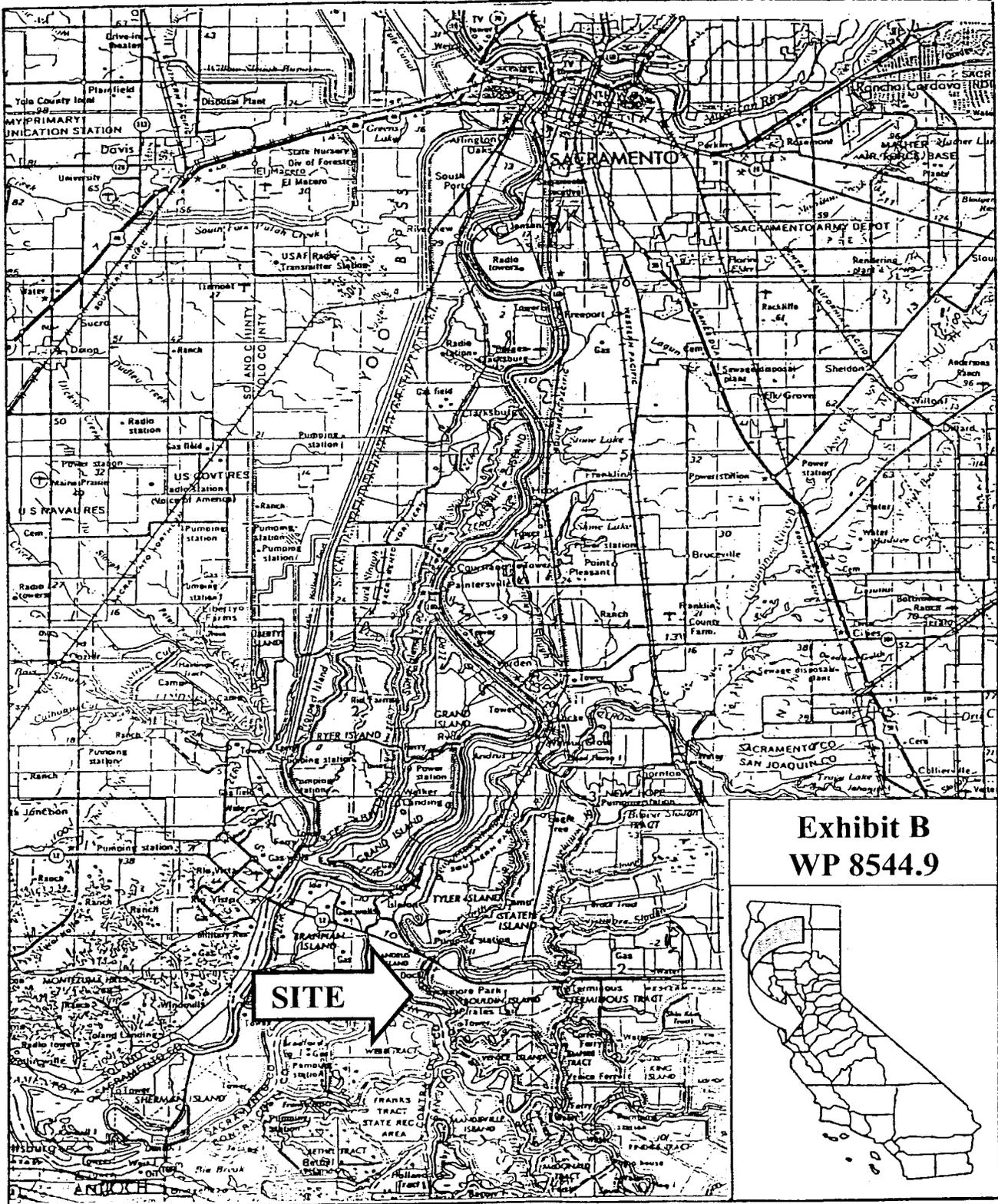


Exhibit B
WP 8544.9

EXHIBIT CONSTRUCTED FROM USGS QUAD

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