MINUTE ITEM

This Calendar Item No. C54 was approved as Minute Item No. 54 by the California State Lands Commission by a vote of 2 to 0 at its 12-08-05 meeting.

# CALENDAR ITEM
# C54

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PRC 6901

12/8/05
WP 6901.9
N. Quesada

## GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

**APPLICANT:**
Janey K. John, Trustee for the Janey K. John Trust dated November 6, 2000

**AREA, LAND TYPE, AND LOCATION:**
Tide and submerged lands in the Sacramento River, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**
Continued use and maintenance of an existing uncovered U-shaped boat dock, gangway, and bank protection.

**LEASE TERM:**
Ten years, beginning October 24, 2005.

**CONSIDERATION:**
**U-Shaped Boat Dock 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. On December 7, 1995, the Commission authorized a General Lease – Recreational and Protective Structure Use to Corrine Peron. The upland property was subsequently transferred to Janey K. John, Trustee for the Janey K. John Trust dated Novemer 6, 2000. Janey K. John is now

applying for a new lease. Applicant qualifies for a rent-free lease pursuant to Public Resources Code section 6503.5 because the Applicant is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling.

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

3. **Existing U-Shaped 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 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.

4. **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.

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.

**EXHIBIT:**

A. Site Map and Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

1. **EXISTING U-SHAPED 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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

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 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 AND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

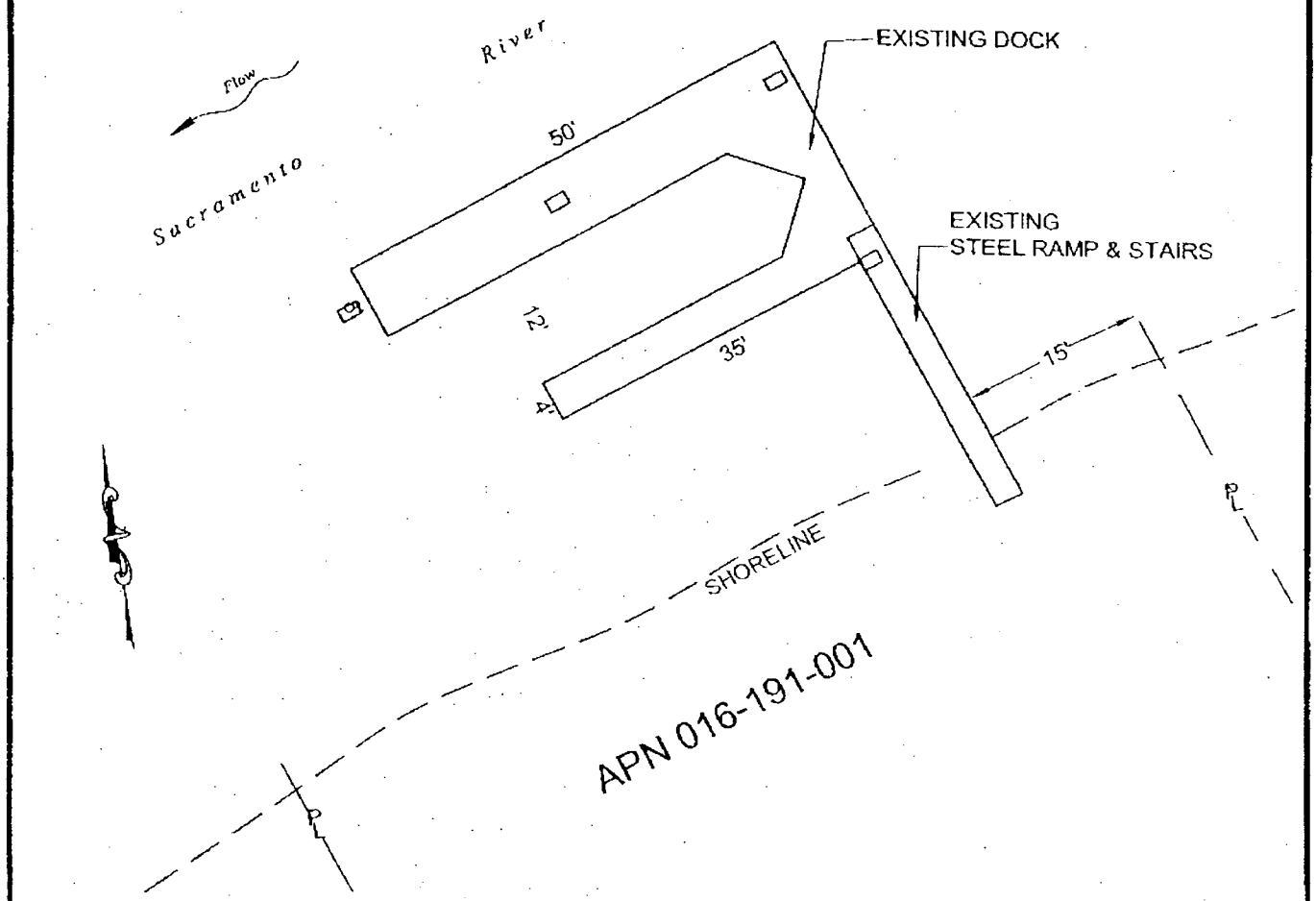
**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO JANEY K. JOHN, TRUSTEE FOR THE JANEY K. JOHN TRUST DATED NOVEMBER 6, 2000 OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING OCTOBER 24, 2005, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED U-SHAPED BOAT DOCK, GANGWAY, AND BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION FOR THE U-SHAPED BOAT DOCK AND GANGWAY PURSUANT TO PUBLIC RESOURCES

CODE SECTION 6503.5; CONSIDERATION FOR THE BANK PROTECTION BEING 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: COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN $500,000.

NO SCALE

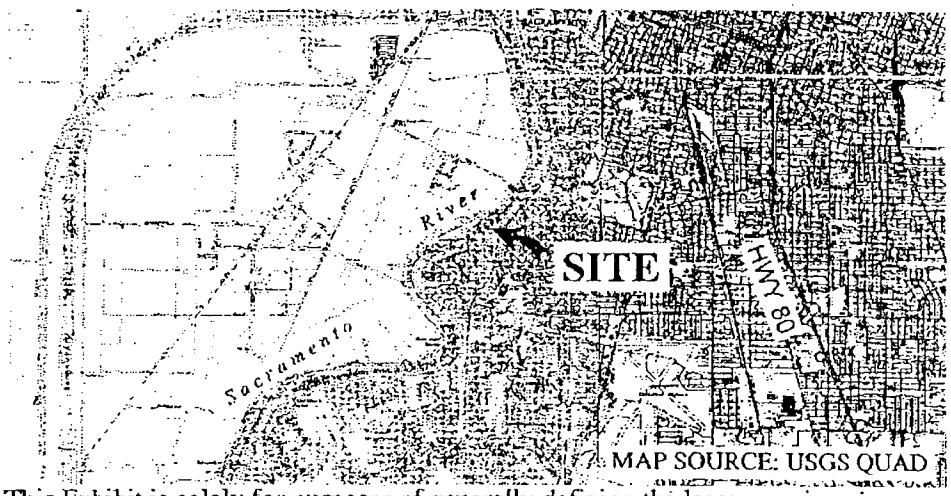
## SITE




949 PIEDMONT DRIVE, SACRAMENTO RIVER

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

WP 6901.9
JANEY K. JOHNS
APN 016-191-001
GENERAL LEASE
RECREATIONAL USE
SACRAMENTO COUNTY

MJT 10/05