

CALENDAR ITEM
C24

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12/14/06

S 4,6

PRC 8732 W 26184
V. Massey

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Paul A. Coad and Gerica L. Coad

LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to the Garden Highway,
Sacramento County.

AUTHORIZED USE:

The construction, use and maintenance of an uncovered boat dock with
gangway, five steel pilings, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning December 14, 2006.

CONSIDERATION:

Uncovered Floating Boat Dock, Gangway, and Five Pilings: \$269 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
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 combined coverage no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. Applicants do not qualify for a rent-free Recreational Pier Lease because
they do not have a single-family dwelling on the upland. However,
Applicants are proposing to construct a single-family residence on the

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upland, which would be completed in approximately one year. At that time, the Applicants can apply for a rent-free boat dock and gangway.

3. **UNCOVERED FLOATING BOAT DOCK WITH GANGWAY AND FIVE STEEL PILINGS:**

The U.S Army Corps of Engineers has required of the project the following: "to mitigate for the indirect effects to 0.054 acres of waters of the United States, you shall purchase 0.054 credits of shallow water habitat at a Corps approved wetland mitigation bank. The selected mitigation bank shall include the area of the permitted project within its service area. Evidence of this purchase shall be provided to this office prior to proceeding with any activity otherwise authorized by this permit....."

NOAA's National Marine Fisheries Service has stipulated changes to the project to ensure that it would not likely adversely affect the Sacramento River winter-run Chinook salmon, Central Valley spring-run Chinook salmon, or Central Valley Steelhead, or adversely modify designated critical habitat for Sacramento River winter-run Chinook salmon. Specifically: "Instream construction activities will be restricted to the period June 1 through October 31. In-channel construction activities will occur only during daylight hours. Large woody debris found in the construction site will be relocated instead of removed."

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 under the general rule that the CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project as amended by the applicant to include the provisions of the corps permit may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b) (3).

4. **BANK PROTECTION:**

Applicant has also committed, in an October 13, 2006, letter to the U.S. Army Corps of Engineers with respect to Permit 200300576, to revegetate the rip rap proposed to be installed on approximately 165 feet of riverbank

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consistent with the Corps guidelines published on its web site. The composition and maintenance of such vegetation are described in the cited letter.

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.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, NOAA Fisheries, California Regional Water Quality Control Board, California Department of Fish and Game, and the State Reclamation Board

EXHIBITS:

- A. Site Map
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

December 15, 2006

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK WITH GANGWAY AND FIVE STEEL PILINGS:

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FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

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:

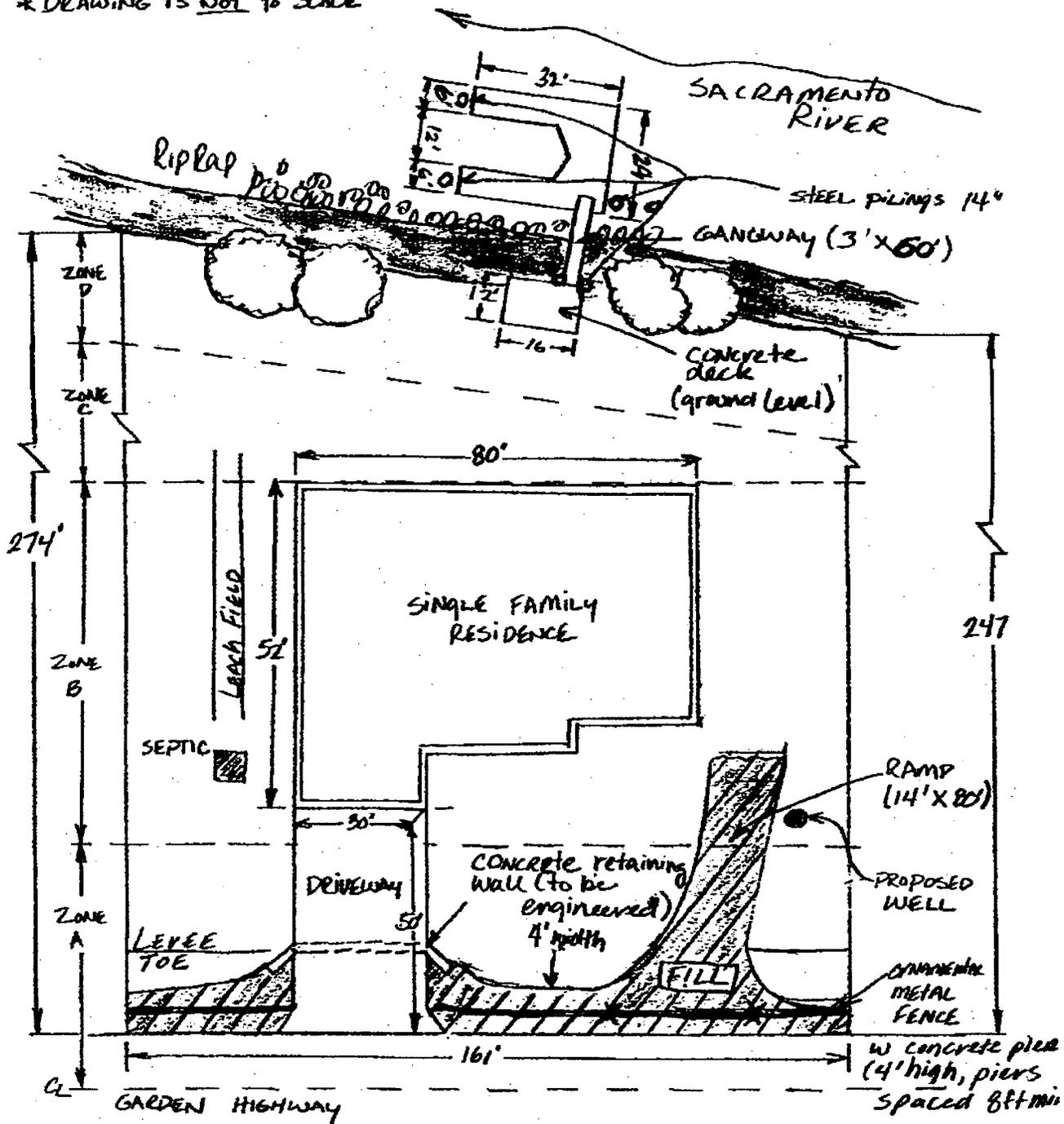
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO PAUL A. COAD AND GERICA L. COAD OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING DECEMBER 14, 2006, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF AN UNCOVERED FLOATING BOAT DOCK WITH GANGWAY, FIVE STEEL PILINGS, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$269 FOR THE UNCOVERED FLOATING BOAT DOCK WITH GANGWAY AND FIVE STEEL PILINGS; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; CONSIDERATION FOR THE BANK PROTECTION IS 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 IN THE AMOUNT OF NO LESS THAN \$500,000.

SITE MAP

* DRAWING IS NOT TO SCALE



This exhibit is solely for purposes of generally defining the leased premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.

Exhibit A
W 26184

VLM 10/31/2006

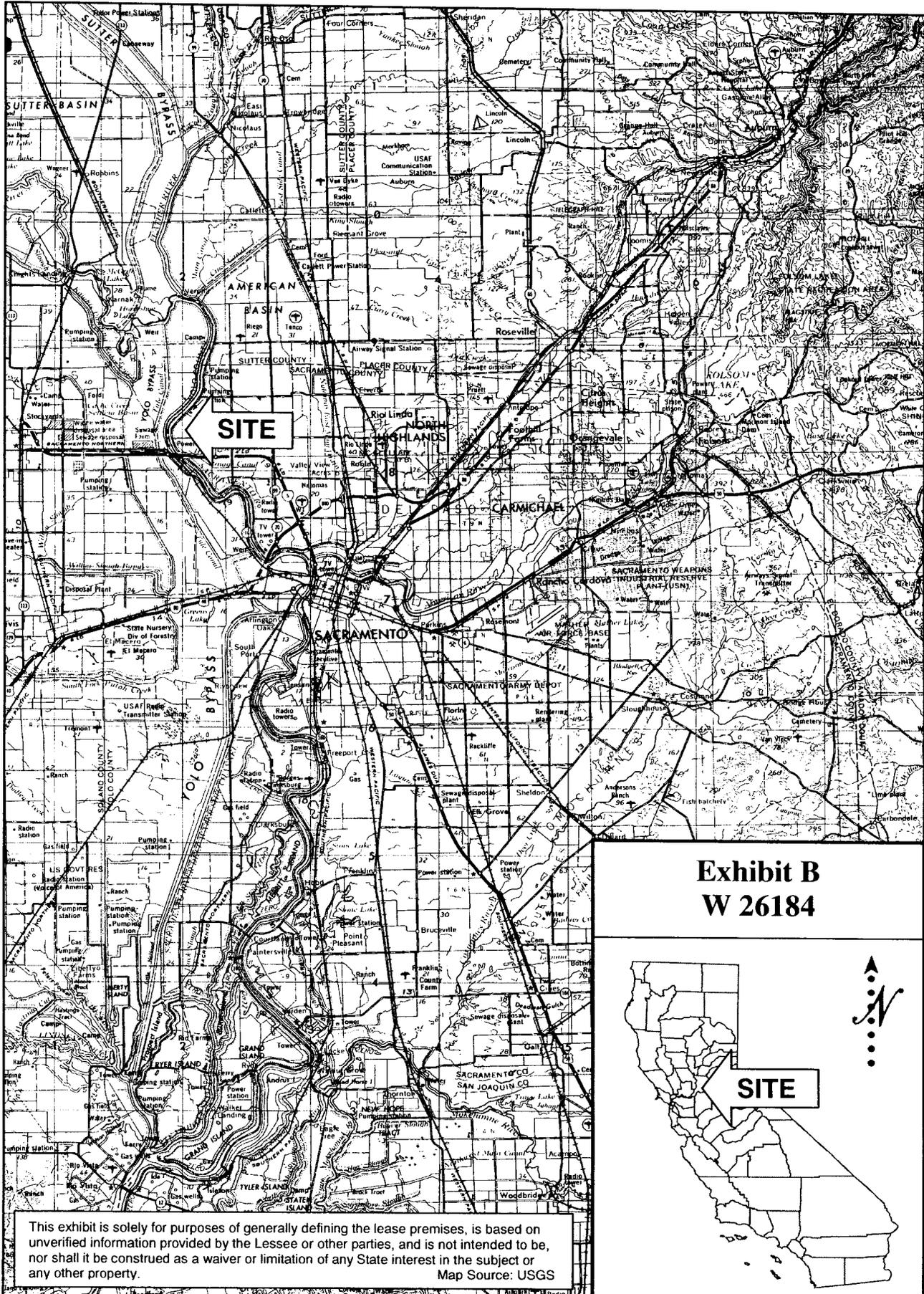
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LOCATION MAP



**Exhibit B
W 26184**

SITE

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.
Map Source: USGS

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