MINUTE ITEM

This Calendar Item No. C25 was approved as Minute Item No. 25 by the California State Lands Commission by a vote of 3 to Ø at its 02/05/07 meeting.

CALENDAR ITEM
C25

A 2,5

S 4,6

2/05/07
PRC 5937 WP 5937.9
J. McComas

GENERAL LEASE- RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

John Frederick Schneider, III
Brigitte T. Burns

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, stairway, ramp, and bank protection and the placement of two pilings.

LEASE TERM:

Ten years, beginning February 5, 2007.

CONSIDERATION:

Uncovered floating boat dock, stairway, ramp, and pilings: 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 rent if the Commission finds such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance in the amount of no less than $500,000.

Other:

The lease contains a provision that requires the Applicants to obtain authorization from the U. S. Army Corps of Engineers, U. S. Fish and Wildlife Service, NOAA Fisheries, California Department of Fish and

Game, State Reclamation Board and the California Regional Water Quality Control Board prior to the placement of the two pilings. Copies of all permits are to be submitted prior to the placement of the two pilings.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. On October 17, 1995, the Commission issued a General Lease - Recreational and Protective Structure Use to John F. Schneider and Brigitte T. Burns, for a floating dock, stairway, ramp, and bank protection for a ten-year period, beginning December 1, 1994. That lease expired November 30, 2004. John Frederick Schneider, III and Brigitte T. Burns are now applying for a new General Lease - Recreational and Protective Structure Use. Applicants qualify for a rent-free Recreational Pier Lease for the uncovered floating boat dock, stairway, ramp, and pilings because the Applicants are natural persons who have improved the upland with, and use the upland for, a single-famliy residence.

3. The bank protection at this location mutually benefits both the public and the Applicants. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.

4. **Uncovered floating boat dock, stairway, ramp, and bank protection**: Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Tile 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. **Two 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 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. 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.

FURTHER APPROVALS REQUIRED:

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

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK, STAIRWAY, RAMP, AND 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).

TWO 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 OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905(c)(1).

SIGNIFICANT LANDS INVENTORY FINDING:

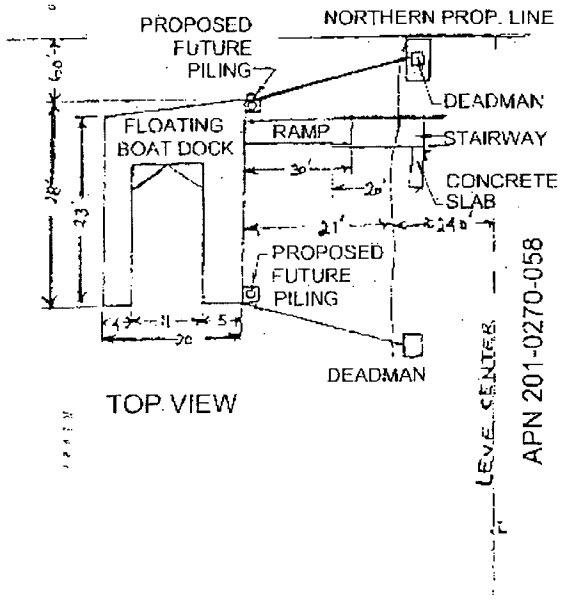
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

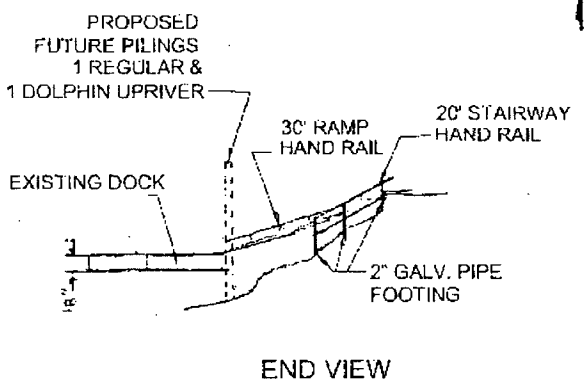
AUTHORIZATION:

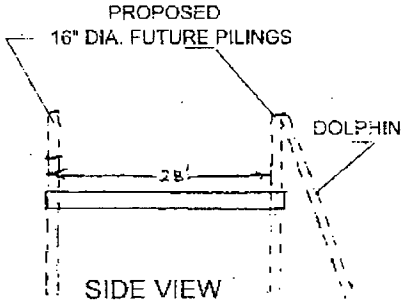
AUTHORIZE ISSUANCE TO JOHN FREDERICK SCHNEIDER, III AND BRIGITTE T. BURNS OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING FEBRUARY 5, 2007, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN UNCOVERED FLOATING BOAT DOCK, STAIRWAY, RAMP, AND BANK PROTECTION AND THE PLACEMENT OF TWO PILINGS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: UNCOVERED FLOATING BOAT DOCK, STAIRWAY, RAMP, AND PILINGS - 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 IN THE AMOUNT OF NO LESS THAN $500,000.

SITE

NO SCALE



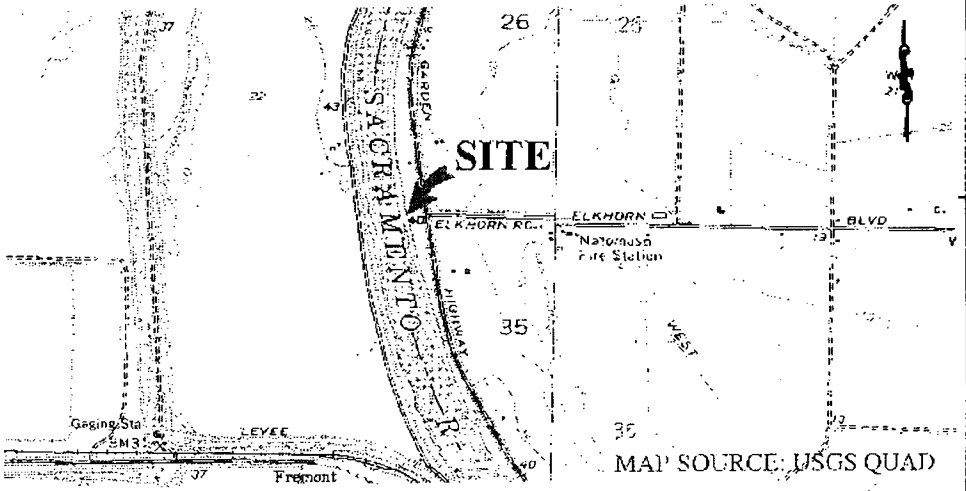




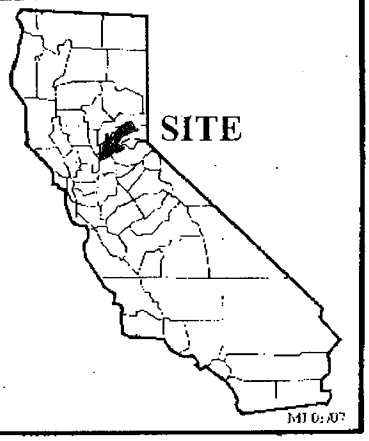
6409 GARDEN HIGHWAY

LOCATION

NO SCALE



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 5937
SCHNEIDER-BURNS
APN 201-0270-058
GENERAL LEASE
RECREATIONAL &
PROTECTIVE STRUCTURE USE
SACRAMENTO COUNTY