

MINUTE ITEM
This Calendar Item No. C33 was approved as
Minute Item No. 33 by the California State Lands
Commission by a vote of 3 to 0 at its
05/10/07 meeting.

CALENDAR ITEM

C33

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05/10/07

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PRC 22533

W 22533

V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Drew Pefferle and Jill Pefferle

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 floating boat dock,
gangway, four steel pilings, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning May 10, 2007.

CONSIDERATION:

Uncovered floating boat dock, gangway, and four steel 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:

Liability insurance with combined coverage no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. The Applicants have applied to construct a new uncovered floating boat
dock with four steel pilings and a gangway. The gangway will roll on the
dock and be supported by a small support float. The gangway will have

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flotation under it and will rise with floodwaters when they reach that platform.

3. The Applicants qualify for a rent free floating boat dock and walkway because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling. The bank protection has existed at the site for years, but was not under lease. The proposed lease now includes the bank protection.
4. **UNCOVERED FLOATING BOAT DOCK, GANGWAY AND FOUR STEEL PILINGS:** The applicant has received approval to construct the new floating dock, gangway, and four pilings, from the U.S. Army Corps of Engineers, in consultation with the U. S. Fish and Wildlife Service and NOAA Fisheries. The project will be allowed to be constructed under General Permit 23 as long as special conditions are met. These special conditions include the purchase of the equivalent of 0.51 acres of conservation credits from the National Fish and Wildlife Fund, avoiding areas having emerged or submerged plants to the maximum extent possible, using silt trapping devices during all in-water work as appropriate, and following best management practices to minimize indirect effects on adjacent waters including wetlands.

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 may have a significant effect on the environment.

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

5. **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 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

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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.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, and National Oceanic and Atmospheric Administration Fisheries

FURTHER APPROVALS REQUIRED:

California Department of Fish and Game, California Regional Water Quality Control Board, and the State Reclamation Board

EXHIBIT:

- A. Site Map and Location Map

PERMIT STREAMLINING ACT DEADLINE:

April 29, 2007

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK WITH GANGWAY AND FOUR STEEL PILINGS:

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).

EXISTING BANK PROTECTION:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF

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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:

AUTHORIZE ISSUANCE TO DREW PEFFERLE AND JILL PEFFERLE OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING MAY 10, 2007, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF AN UNCOVERED FLOATING BOAT DOCK, GANGWAY, FOUR STEEL PILINGS, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK GANGWAY, AND FOUR PILINGS; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE EXISITING 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; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.

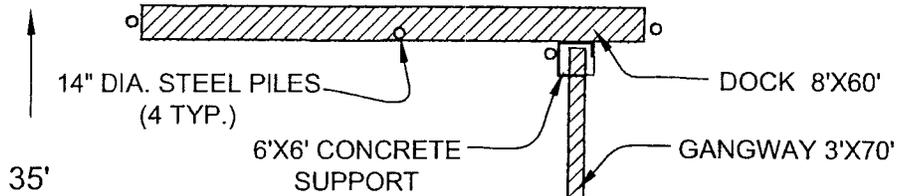
NO SCALE

SITE

Sacramento River

Flow

ESTIMATED PIER LINE BY ADJACENT UPRIVER DOCK



APPROX. MEAN HIGH WATER LINE

EXISTING RIPRAP BANK PROTECTION

APPROX. TOP OF BANK

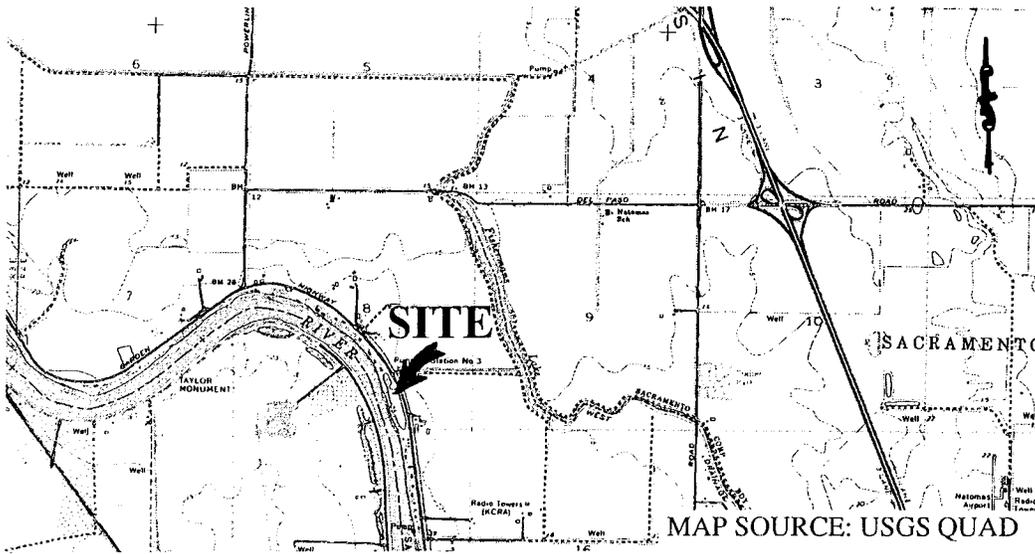
CONCRETE FOOTING 2'X4'

APN 225-0360-002

3997 GARDEN HIGHWAY

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

PEFFERLE
 W 22533
 GENERAL LEASE
 RECREATIONAL/ PROTECTIVE
 STRUCTURE USE
 SACRAMENTO CO.



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.

ONE QUARTER PAGE

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