MINUTE ITEM
This Calendar Item No. C16 was approved as Minute Item No. 16 by the California State Lands Commission by a vote of 3 to 0 at its 06/28/07 meeting.

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C16

A 2, 5

S 6, 4

06/28/07
PRC 8750 W 26211
V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:
Stephen M. Strunk and Johanna Jordan

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in the Sacramento River, adjacent to the Garden Highway, Sutter County.

AUTHORIZED USE:
Retention, use, and maintenance of an existing uncovered floating boat dock, piling, dolphin, ramp, and bank protection as shown on Exhibit A.

LEASE TERM:
Ten years, beginning June 28, 2007.

CONSIDERATION:
Uncovered floating boat dock, piling, dolphin, and ramp: 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 of no less than $500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. On July 9, 2003, the Applicants purchased the uplands with an existing uncovered floating boat dock, piling, dolphin, and ramp. The Applicants stated that the dock facilities and bank protection have existed at the site for years, but were not under lease. The photographs received verified

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this account. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use. The proposed lease includes the uncovered floating boat dock, piling, dolphin, ramp, and bank protection.

3. The Applicants qualify for the rent free use of the floating boat dock, piling, dolphin, and ramp because they are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.

4. 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.

5. **UNCOVERED FLOATING BOAT DOCK, PILING, DOLPHIN, AND RAMP:** 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. **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 Alterations 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.

7. 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 and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK, PILING, DOLPHIN, AND RAMP: 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).

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 ALTERATIONS 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.

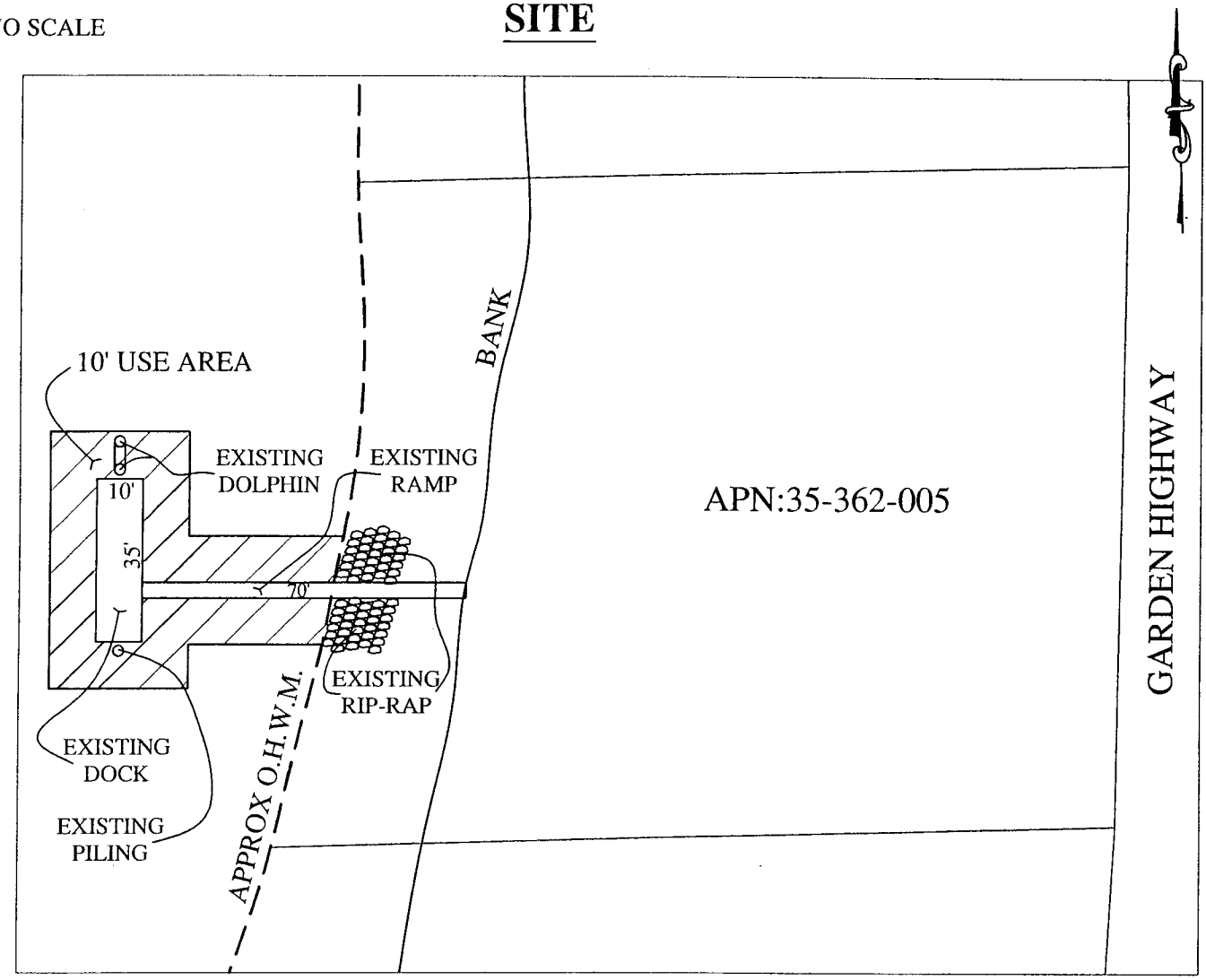
AUTHORIZATION:

AUTHORIZE ISSUANCE TO STEPHEN M. STRUNK AND JOHANNA JORDAN OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING JUNE 28, 2007, FOR A TERM OF TEN YEARS, FOR THE RETENTION, USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, PILING, DOLPHIN, RAMP, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED

FLOATING BOAT DOCK, PILING, DOLPHIN, AND RAMP; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE 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

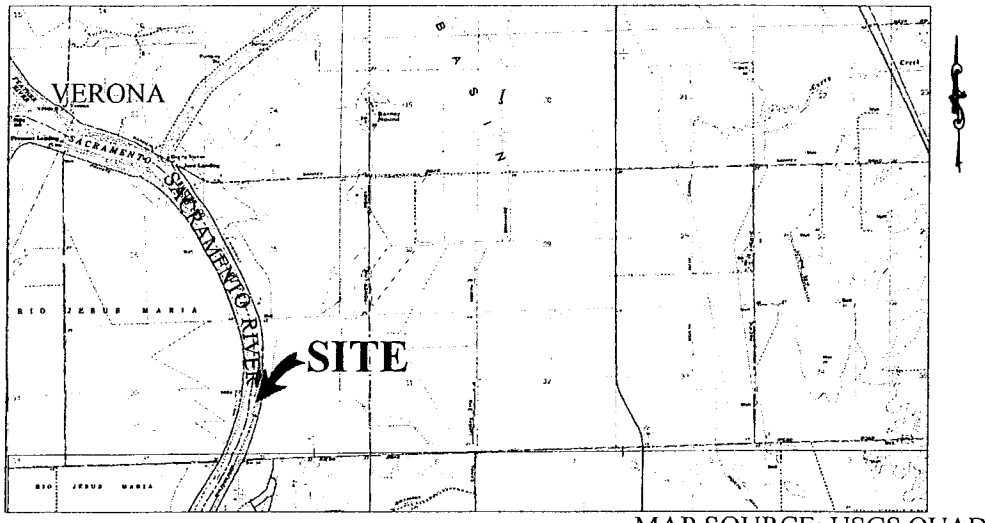
SITE



10800 Garden Hwy, Sacramento River

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 26211
STRUNK & JORDAN
APN: 35-362-005
GENERAL LEASE - RECREATIONAL & PROTECTIVE STRUCTURE USE
SUTTER COUNTY

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.

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MJF 5/16/07