CALENDAR ITEM
C10

A	8, 15	05/05/08
		W 24230
S	2, 5	V. Caldwell

GENERAL LEASE - RECREATIONAL USE

APPLICANTS:
Kenneth W. Adgate Jr. and Donna L. Adgate

AREA, LAND TYPE, AND LOCATION:
Sovereign lands in Georgiana Slough, adjacent to 17035 Terminous Road, in the city of Isleton, Sacramento County.

AUTHORIZED USE:
Retention, use, and maintenance of an existing single-berth covered floating boat dock with boatlift, four attached covered personal watercraft lifts, four pilings, ramp, and an uncovered area of the dock used for water oriented recreational purposes with a slide and diving board as shown on Exhibit A.

LEASE TERM:
Ten years, beginning May 5, 2008.

CONSIDERATION:
Single-Berth Covered Floating Boat Dock with Boatlift, Four Attached Covered Personal Watercraft Lifts, Four Pilings, and Ramp: No monetary consideration pursuant to Public Resources Code section 6503.5.

Uncovered Area of Dock used for Water Oriented Recreational Purposes with a Slide and Diving Board: $149 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

SPECIFIC LEASE PROVISIONS:
Insurance:
Liability insurance with combined coverage of no less than $1,000,000.
Other:
No permanent deck-related improvements are to be constructed or placed on the open dock area, including, but not limited to, wet bars, barbecues, grills, hot tubs, refrigerators, sinks, or sun shades.

No permanent enclosure is to be constructed or permitted on the open dock area.

Any use of the improvements that could be construed as a residential use (e.g. enclosed and covered patio, bathroom, sunroom, office, studio or apartment) is prohibited.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. On September 6, 1988, the Commission received an application from David A. Thurman and Sharon A. Thurman for the construction of a 24-foot by 100-foot "U"-shaped dock, with an inside moorage area approximately 14 feet wide, and a gangway. The Thurman's never completed the application process and it is staff's understanding that the facility was constructed sometime later as a 24-foot by 75-foot single berth dock. Staff notes that the dock facility is larger than the typical single berth dock, and includes an open uncovered area on the dock that is used for water oriented recreational purposes with a slide and diving board. Because the improvements are used for water oriented recreational purposes, staff is recommending approval of the Lease.

3. On July 13 1999, the upland property transferred to Kenneth W. Adgate and Donna L. Adgate. The Applicants have applied for an after-the-fact permit from the U.S. Army Corps of Engineers and the Reclamation Board. The Applicants are now applying for a General Lease – Recreational Use.

4. The Commission has authorized the State Reclamation Board to place and maintain bank protection at this location under Lease No. PRC 7203.9.

5. The Applicants qualify for the rent free use of the uncovered floating boat dock with boatlift, four attached covered personal watercraft lifts, four pilings and ramp because the Applicants are natural persons who own the littoral land that is improved with a single family dwelling pursuant to Public Resource Code 6503.5. The open and uncovered area of the dock used for water oriented recreational purposes with a slide and diving board does not qualify for rent-free status because it is a facility not constructed for the docking and mooring of boats. Therefore, rent has been calculated based on the square footage of the open and uncovered area of the dock.

6. 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.

7. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers and the Reclamation Board

EXHIBIT:

A**.** Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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).

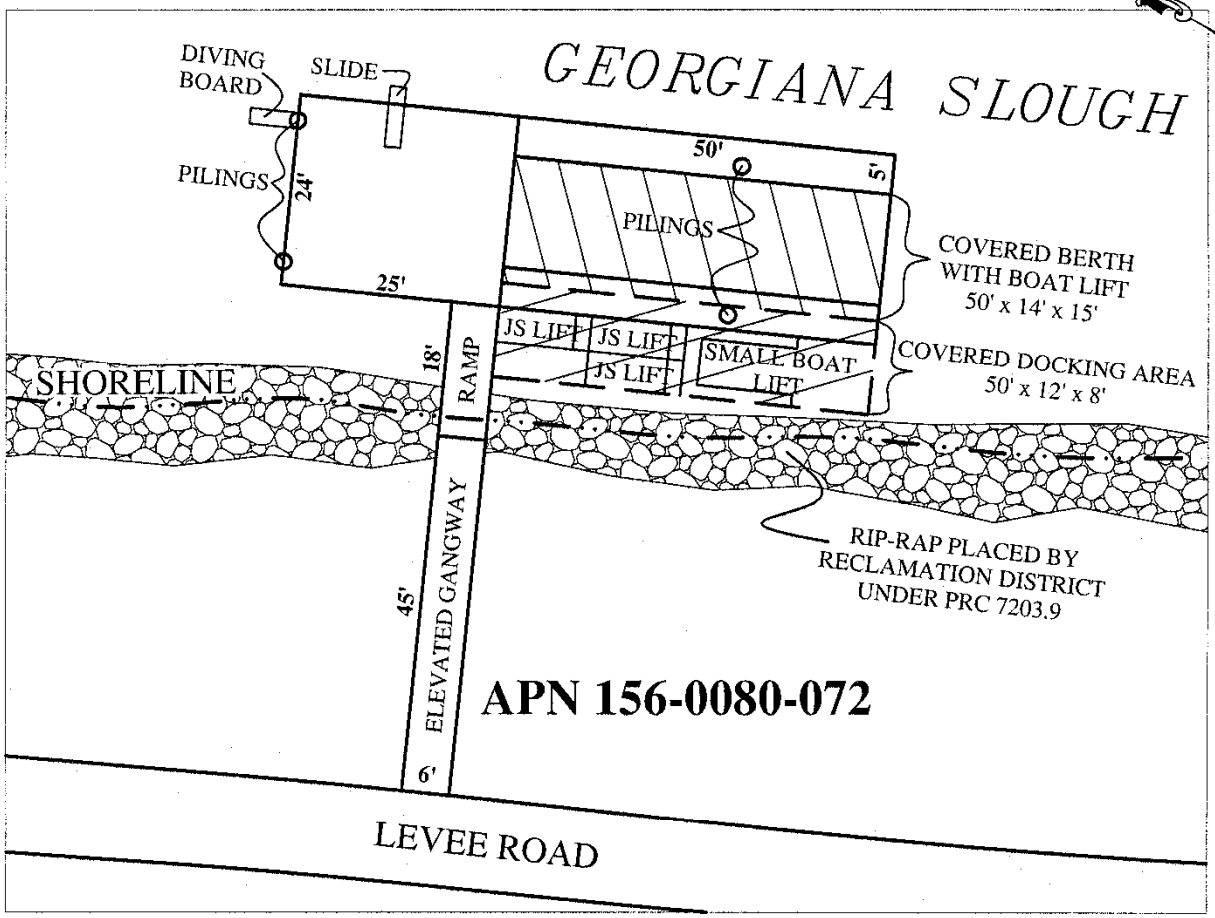
AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE - RECREATIONAL USE TO KENNETH W. ADGATE, JR. AND DONNA L. ADGATE BEGINNING MAY 5, 2008 FOR A TERM OF TEN YEARS FOR THE

RETENTION, USE, AND MAINTENANCE OF A SINGLE-BERTH COVERED FLOATING BOAT DOCK WITH BOATLIFT, FOUR ATTACHED COVERED PERSONAL WATERCRAFT LIFTS, FOUR PILINGS, RAMP, AND AN UNCOVERED AREA OF THE DOCK USED FOR WATER ORIENTED RECREATIONAL PURPOSES WITH A SLIDE AND DIVING BOARD AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE SINGLE-BERTH COVERED FLOATING BOAT DOCK WITH BOATLIFT, FOUR ATTACHED COVERED PERSONAL WATERCRAFT LIFTS, FOUR PILINGS, AND RAMP: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE UNCOVERED AREA OF THE DOCK USED FOR WATER ORIENTED RECREATIONAL PURPOSES WITH A SLIDE AND DIVING BOARD: ANNUAL RENT IN THE AMOUNT OF $149 WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $1,000,000.

NO SCALE

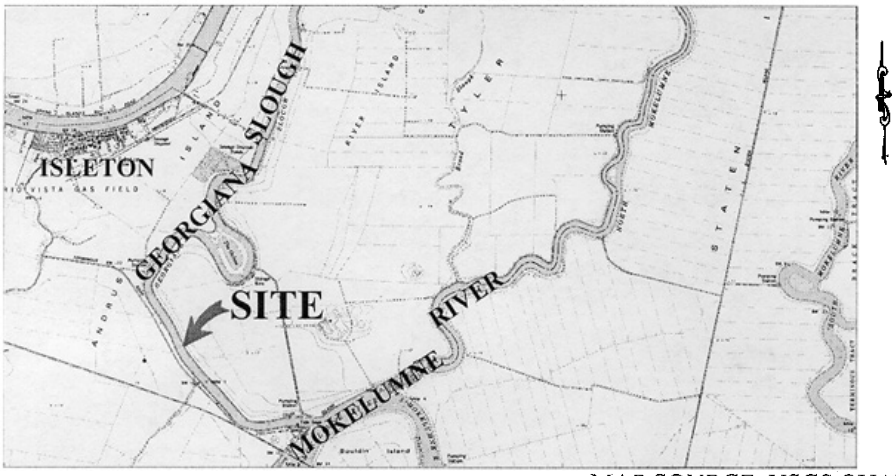
SITE



17035 Terminous Road, Isleton
Georgiana Slough

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

W24230
ADGATE
APN 156-0080-072
GENERAL LEASE
RECREATIONAL USE
SACRAMENTO COUNTY

MJF 4/4/08