CALENDAR ITEM

C15

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		W 26243
S	4, 6	V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Riverview Properties, LLC
7027 Garden Highway
Sacramento, CA 95837

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 7027 Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Construction, use, and maintenance of a covered single-berth floating boat dock, gangway, strong arm, utility conduit, and existing bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning June 24, 2008.

CONSIDERATION:

Covered Single-Berth Floating Boat Dock, Gangway, Strong Arm, and Utility Conduit: $320 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 of no less than $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. The Applicant has applied to construct a covered floating boat dock in the Sacramento River. The proposed dock will be a "pier-less" design (i.e., without pilings) and will be covered with a pitched roof and include a utility conduit containing electrical service for safety lighting and a water line for use of a hose attached to the gangway. The gangway is dual hinged with an engineered support strong arm anchored to a deadman located on the berm. In-water work will consist of floating the dock into the waterway in place.

3. The Applicant does not qualify for the rent-free use of the covered single-berth floating boat dock, gangway, strong arm, and utility conduit because the Applicant does not own the littoral property as a natural person pursuant to Public Resources Code section 6503.5.

4. The bank protection will mutually benefit 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. **Covered Single-Berth Floating Boat Dock, Gangway, Strong Arm and Utility Conduit:** 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.

APPROVALS REQUIRED:

U.S. Army Corps of Engineers, Cental Valley Flood Protection Board, and Sacramento County

APPROVALS OBTAINED:

U. S. Fish and Wildlife Service, National Marine Fisheries Service, California Regional Water Quality Control Board, California Department of Fish and Game

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

COVERED SINGLE-BERTH FLOATING BOAT DOCK, GANGWAY, STRONG ARM, AND UTILITY CONDUIT: 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.

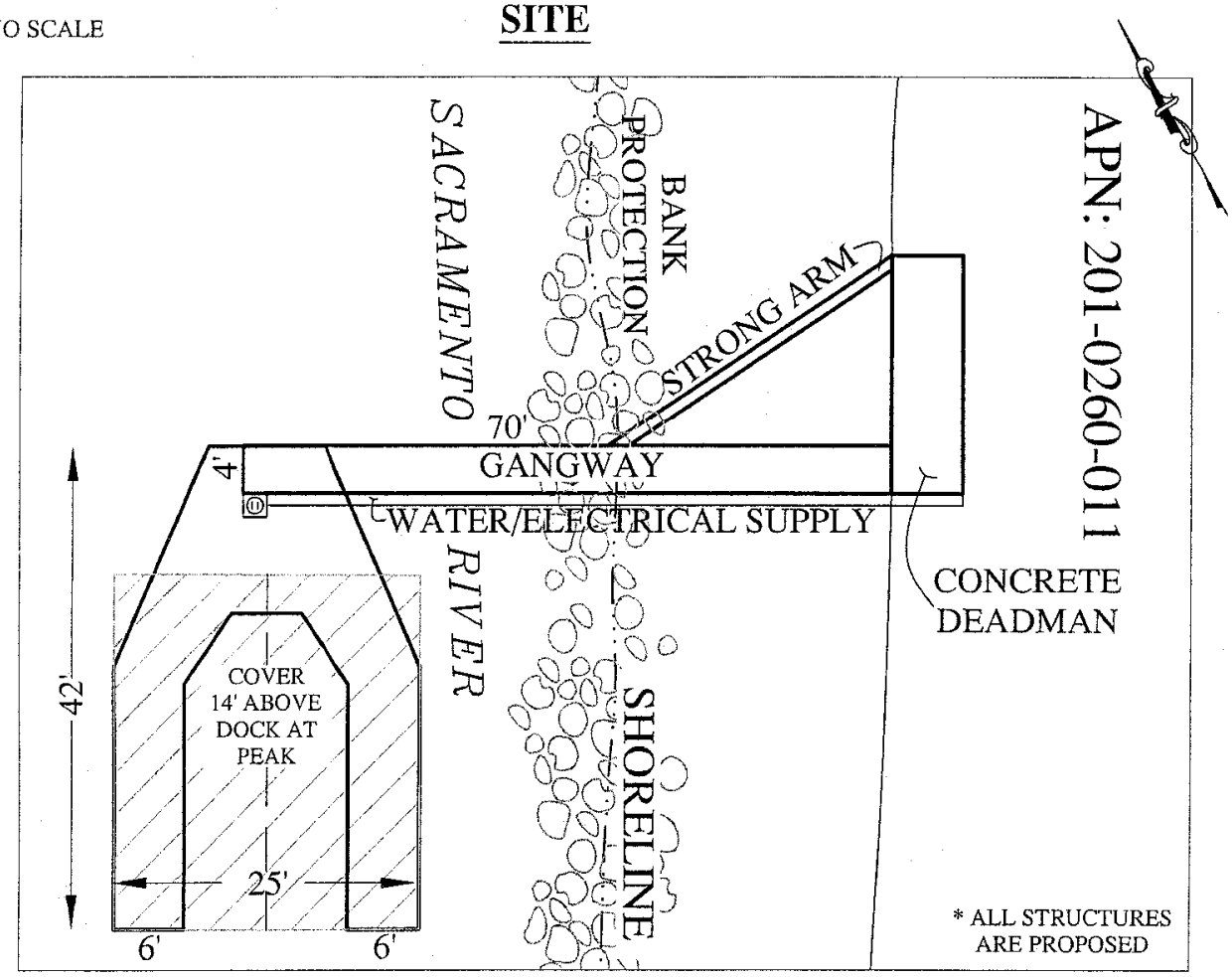
AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE TO RIVERVIEW PROPERTIES,

LLC, BEGINNING JUNE 24, 2008, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A COVERED SINGLE-BERTH FLOATING BOAT DOCK, GANGWAY, STRONG ARM, UTILITY CONDUIT, AND EXISTING BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE COVERED FLOATING BOAT DOCK, GANGWAY, STRONG ARM, AND UTILITY CONDUIT: ANNUAL RENT IN THE AMOUNT OF $320, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; CONSIDERATION FOR THE EXISTING 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; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $1,000,000.

NO SCALE

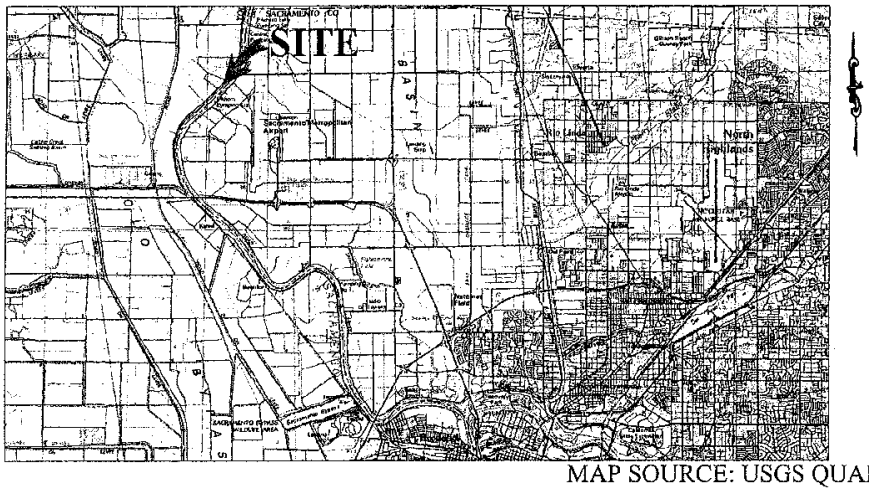
SITE



7027 Garden Highway, Sacramento River

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

W 26243
RIVERVIEW PROPERTIES LLC.
APN: 201-0260-011
GENERAL LEASE- RECREATIONAL
& PROTECTIVE STRUCTURE USE
SACRAMENTO COUNTY

MJF 4/30/08