

**CALENDAR ITEM
C13**

A 2, 5
S 4, 6

06/24/08
W 26242
V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Craig Lee Elder and Mary Deluca Elder

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 7145 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: 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 \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. The Applicants have 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

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utility conduit containing electrical services 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 Applicants qualify for the rent free use of the covered single-berth floating boat dock, gangway, strong arm, and utility conduit because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling.
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.

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APPROVALS REQUIRED:

U.S. Army Corps of Engineers, Central 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 CRAIG LEE ELDER AND MARY DELUCA ELDER BEGINNING JUNE 24, 2008, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF AN EXISTING COVERED SINGLE-BERTH FLOATING BOAT DOCK,

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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: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; 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.