

**CALENDAR ITEM
C18**

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06/24/08
WP 7250.9
M. Clark

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Samuel Elmore Walker and Shelley Brandt Walker, Trustees of the Walker Family Trust, dated May 19, 1999

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Napa River, adjacent to 1812 Milton Road, city of Napa, Napa County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, ramp, uncovered floating boat dock, two pilings, and the retention of existing bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning July 1, 2008.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On December 16, 1998, the Commission authorized a Recreational Pier Lease to Samuel E. Walker and Shelley B. Walker. That lease will expire on June 30, 2008. On August 8, 1999, the upland property was deeded to Samuel Elmore Walker and Shelley Brandt Walker, trustees of the Walker Family Trust, dated May 19, 1999. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

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3. The Applicants qualify for the rent free use of the pier, ramp, uncovered floating boat dock, and two pilings 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 Napa River will have the additional protection from wave action provided at no cost to the public.
5. **Pier, Ramp, Uncovered Floating Boat Dock, and Two Pilings:** 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).

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).
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

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

PIER, RAMP, UNCOVERED FLOATING BOAT DOCK, AND TWO PILINGS: 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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

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 TEN-YEAR GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE TO SAMUEL ELMORE WALKER AND SHELLEY BRANDT WALKER, TRUSTEES OF THE WALKER FAMILY TRUST, DATED MAY 19, 1999, BEGINNING JULY 1, 2008, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, RAMP, UNCOVERED FLOATING BOAT DOCK, TWO PILINGS AND THE RETENTION OF EXISTING BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE EXISTING PIER, RAMP, UNCOVERED FLOATING BOAT DOCK, TWO PILINGS: 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

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STATE'S BEST INTEREST; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.