CALENDAR ITEM

C14

A	2,5	12/17/09
		WP 7612.9
S	4,6	M. Clark

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Timothy J. Laughlin, Trustee of the Timothy J. Laughlin Trust under declaration of trust dated May 13, 1998

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 5295 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing single-berth floating boat dock, ramp, two pilings, dolphin, bank protection, and the retention of an existing dock cover, boat lift, and electrical box, as shown on Exhibit A.

LEASE TERM:

Ten years, beginning August 16, 2009.

CONSIDERATION:

Single-Berth Covered Floating Boat Dock, Ramp, Boat Lift, Electrical Box, Two Pilings, and Dolphin: 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 coverage of no less than $1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

2. On June 27, 2000, the Commission authorized a General Lease – Recreational and Protective Structure Use to Timothy J. Laughlin, Trustee of the Timothy J. Laughlin Trust under Declaration of Trust Dated May 13, 1998. That lease expired August 15, 2009 and the Applicant has now applied for a new General Lease - Recreational and Protective Structure Use.

3. The Applicant qualifies for the rent free use of the single-berth covered floating dock, ramp, boat lift, electrical box, two pilings, and dolphin because he is a natural person who owns the littoral land that is improved with a single-family dwelling.

4. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.

5. **Single-Berth Floating Boat Dock, Ramp, Two Pilings, Dolphin, and 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 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. **Dock Cover, Boat Lift, and Electrical Box**: 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 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:

SINGLE-BERTH FLOATING BOAT DOCK, RAMP, TWO PILINGS, DOLPHIN, AND 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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

DOCK COVER, BOAT LIFT, AND ELECTRICAL BOX: 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).

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.

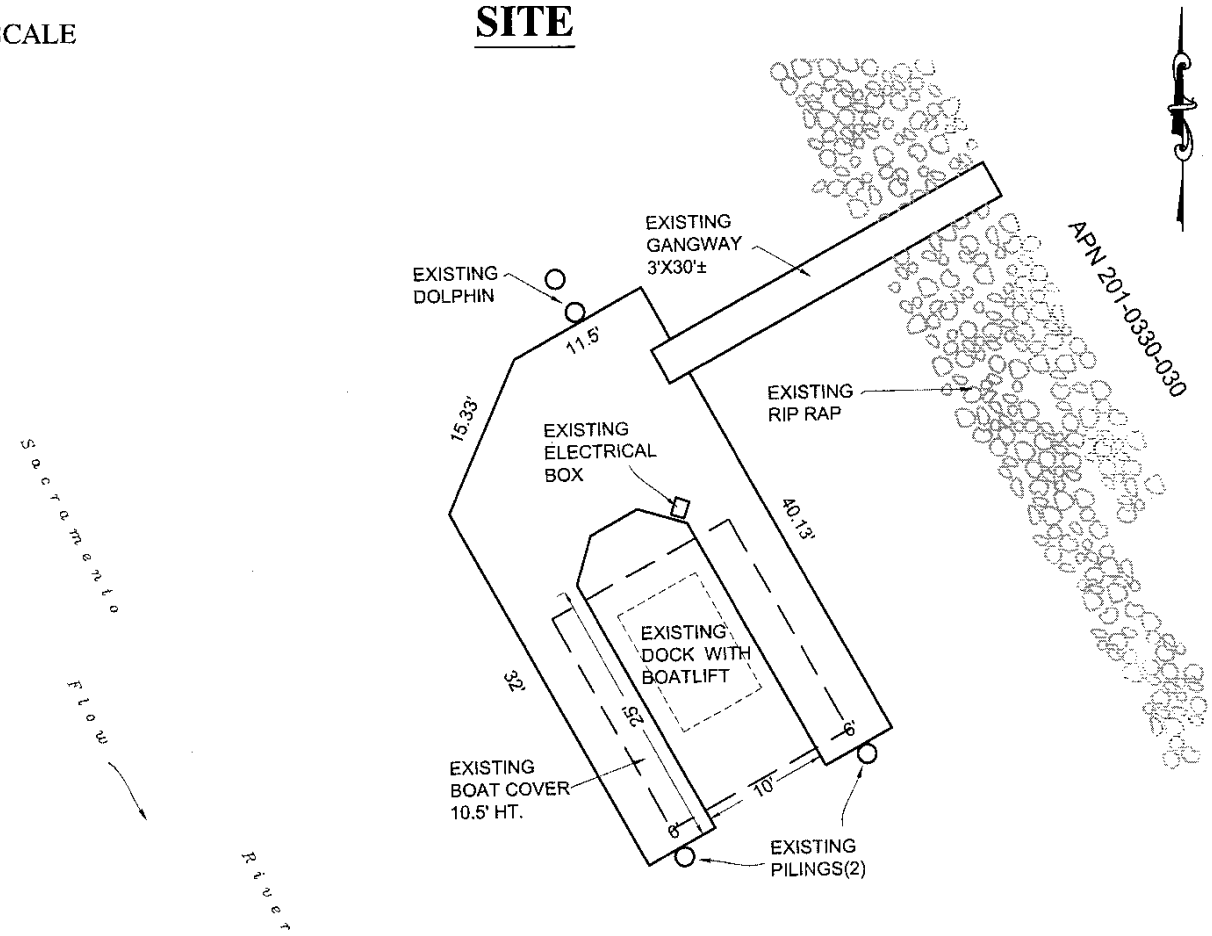
AUTHORIZATION:

AUTHORIZE ISSUANCE OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE TO TIMOTHY J. LAUGHLIN, TRUSTEE OF THE TIMOTHY J. LAUGHLIN TRUST UNDER DECLARATION OF TRUST DATED MAY 13, 1998, BEGINNING AUGUST 16, 2009, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING SINGLE-BERTH BOAT DOCK, RAMP, TWO PILINGS, DOLPHIN, AND BANK PROTECTION AND THE RETENTION OF AN EXISTING DOCK COVER, BOAT LIFT, AND ELECTRICAL BOX, AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE EXISTING SINGLE-BERTH COVERED

FLOATING BOAT DOCK, RAMP, TWO PILINGS, DOLPHIN, BOAT LIFT, AND ELECTRICAL BOX: 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; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN $1,000,000.

NO SCALE

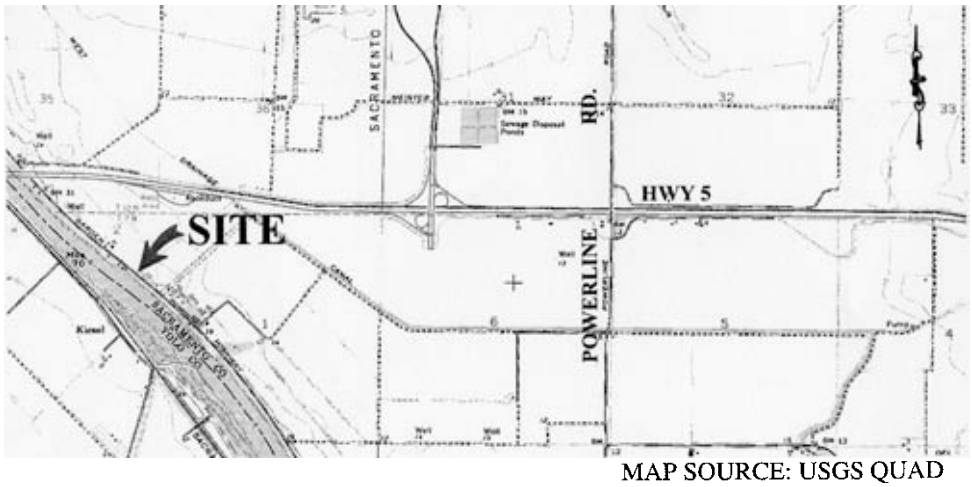
SITE



5295 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

WP 7612.9
TIMOTHY LAUGHLIN TRUST
APN 201-0330-030
GENERAL LEASE
RECREATIONAL &
PROTECTIVE STRUCTURE USE
SACRAMENTO COUNTY

MJJ 08/09