

**CALENDAR ITEM
C27**

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06/28/10
WP 6728.9
M. Clark

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANT:

Sacramento Waldorf School Association, Inc., a California Nonprofit Public Benefit Corporation

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the American River, adjacent to 3750 Bannister Road, Fair Oaks, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of existing bank protection and retention of additional bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning August 1, 2009.

CONSIDERATION:

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 September 25, 1984, the Commission authorized a 25-year General Lease – Protective Structure Use to the Sacramento Waldorf School Association, Inc., a California Corporation. In 2006, the upland was transferred to the Sacramento Waldorf School Association, Inc., a California Nonprofit Public Benefit Corporation. The lease expired July 31, 2009 and the Applicant has now applied for new General Lease – Protective Structure Use.

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3. The lease premises consist of a strip of land at the bank of the American River which in the past has been subject to scouring and erosion due to heavy rains and high river flows. In 1998, the Applicant received approval by the U.S. Army Corps of Engineers to place additional rock riprap and topsoil fill at a repair site within the lease premises. The 1998 repair work was funded by the Federal Emergency Management Agency but was not previously authorized by the Commission.
4. The bank protection will mutually benefit both the public and the Applicant. The bank of the American River will have the additional protection from wave action provided at no cost to the public.
5. 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 CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; Title 2, California Code of Regulations, section 29058 (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.

6. 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.

EXHIBITS:

- A. Site and Location Map
- B. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of 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).

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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 – Protective Structure Use to the Sacramento Waldorf School Association, Inc., a California Nonprofit Public Benefit Corporation, beginning August 1, 2009, for a term of ten years, for the continued use and maintenance of existing bank protection and the retention of additional bank protection as shown on Exhibit A (for reference purposes only) and as described in Exhibit B attached and by this reference made a part hereof; 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.