

**CALENDAR ITEM
C31**

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06/28/10

WP 5788.9

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M. Clark

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Linda J. Foley, Trustee of the Foley Revocable Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 4181 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing single berth uncovered floating boat dock, ramp, concrete deadman, one piling, dolphin, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning January 24, 2010.

CONSIDERATION:

Single Berth Uncovered Floating Boat Dock, Ramp, Concrete Deadman, One Piling, 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 in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On December 3, 1999, the Commission authorized a General Lease – Recreational and Protective Structure Use to Linda J. Foley, Trustee of the Foley Revocable Trust. That Lease expired January 23, 2010. The

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Applicant has now applied for a new General Lease – Recreational and Protective Structure Use.

3. Applicant qualifies for the rent free use of the existing single berth uncovered floating boat dock, ramp, concrete deadman, one piling, and dolphin because she 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. 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 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. 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:

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 1, Existing Facilities; Title 2, California Code of Regulations, section 2905, (a)(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 – Recreational and Protective Structure Use to Linda J. Foley, Trustee of the Foley Revocable Trust, beginning January 24, 2010, for a term of ten years, for the continued use and maintenance of an existing single berth uncovered floating boat dock, ramp, concrete deadman, one piling, dolphin, and bank protection as shown on Exhibit A attached and by this reference made a part hereof; consideration for the existing single berth uncovered floating boat dock, ramp, concrete deadman, one piling, dolphin: 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.