CALENDAR ITEM

C21

A	8, 15	04/06/11
		WP 4761.1
S	5, 14	C. Hudson

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Paul R. Scott and Keith J. Hobert

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 17404 Grand Island Road, near Walnut Grove, Sacramento County.

AUTHORIZED USE:

Retention, use and maintenance of an existing uncovered floating boat dock, ramp, deck, ladder, dolphin piling, and bank protection as shown on the attached Exhibit A.

LEASE TERM:

10 years, beginning April 6, 2011.

CONSIDERATION:

Uncovered Floating Boat Dock, Ramp, and Dolphin Piling: 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.

Deck and Ladder: $50 per year, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with coverage of no less than $1,000,000.

Other:

The lease contains provisions that the existing deck, as shown on the attached Exhibit A, cannot be expanded, and if repairs to any portion of the existing deck cost more than 50 percent of the base value of the deck, the deck must be removed from the lease premises

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

2. On September 23, 1992, the Commission authorized a 10-year Recreational Pier Permit with Stella Matthews. That lease expired on December 15, 2002. On June 19, 1997, the upland property was deeded to Suzett and Joseph Sutton and deeded again on December 2, 2002 to Paul R. Scott and Keith J. Hobert. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

3. On October 29, 2002, staff received a letter along with photographs from Suzett and Joseph Sutton indicating that the existing facilities have since been removed and the lease area was restored to its natural state. However, on June 1, 2003, the current upland owners installed the uncovered floating boat dock, ramp, dolphin piling, deck, ladder, and bank protection without first seeking Commission approval. The Applicants have obtained after-the-fact permits from the Central Valley Flood Protection Board and the U.S. Army Corps of Engineers.

4. The uncovered floating boat dock, ramp, and dolphin piling, are exempt from consideration pursuant to Public Resources Code section 6503.5 because the Applicants are natural persons who own the upland property as natural persons. However, the deck and ladder do not qualify for rent-free status because they are not constructed for the mooring and docking of boats.

5. 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.

6. Staff is recommending that the Commission consider accepting rent and back rent in the amount of $450 for the period beginning June 1, 2003, the date the facilities were installed, through April 5, 2012.

7. **Uncovered Floating Boat Dock, Ramp, Dolphin Piling, Deck, and Ladder:** 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 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.

8. **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 CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration 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.

9. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq., but such activity will not affect those significant lands. 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.

APPROVALS OBTAINED:

Central Valley Flood Protection Board
U.S. Army Corps of Engineers

EXHIBIT:

Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Uncovered Floating Boat Dock, Ramp, Dolphin, Pilings, Deck, and Ladder: 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 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 CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 4, Minor Alteration 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.

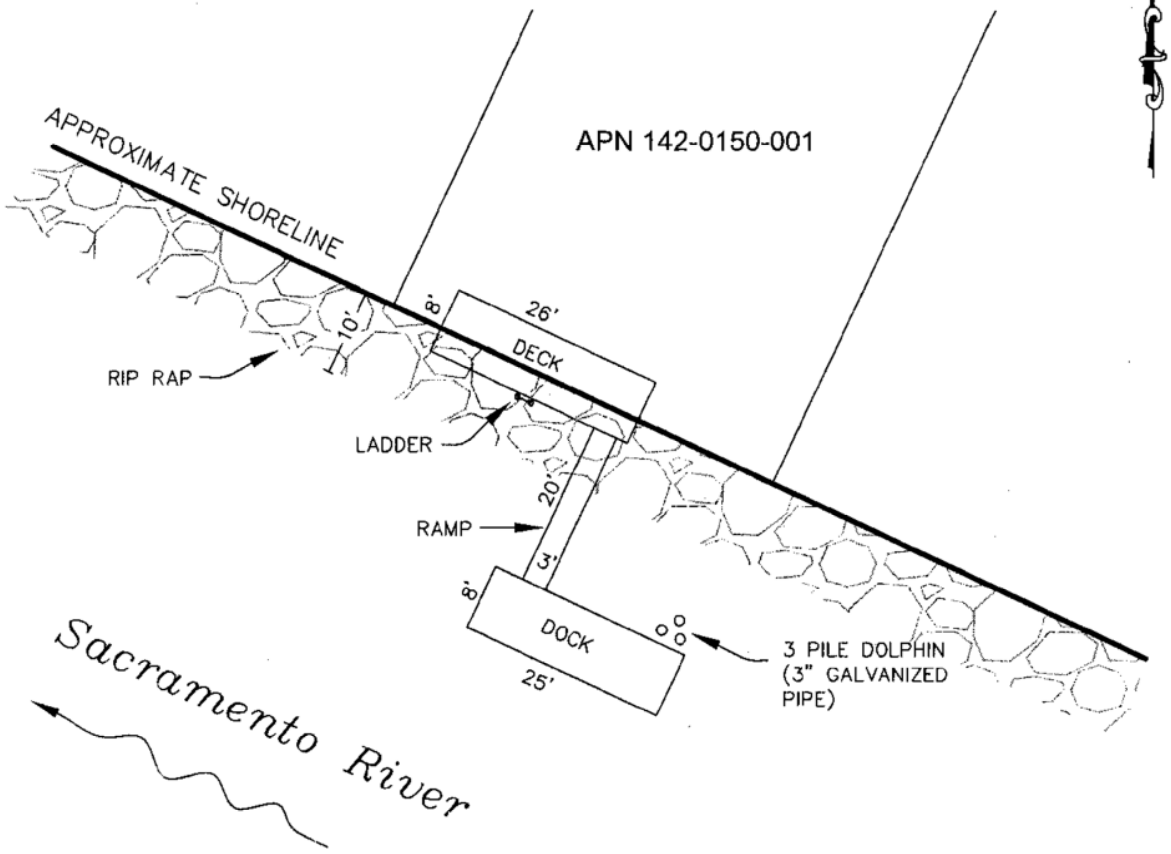
AUTHORIZATION:

1. Authorize acceptance of rent and back rent in the amount of $450 for the period of June 1, 2003 through April 5, 2012.

2. Authorize Issuance of a General Lease – Recreational and Protective Structure Use to Paul R. Scott and Keith J. Hobert beginning March 24, 2011, for a term of 10 years, for the retention, use, and maintenance of an existing uncovered floating boat dock, ramp, deck, ladder, dolphin piling, and bank protection as shown on Exhibit A (for reference purposes only) and described in Exhibit B attached and by this reference made a part hereof; consideration for the existing uncovered floating boat dock, ramp, and dolphin piling: no monetary consideration pursuant to Public Resources Code 6503.5; consideration for bank protection: no monetary consideration pursuant to public use and benefit; consideration for the existing deck and ladder: annual rent in the amount of $50 with the State reserving the right to fix a different rent periodically during the lease term, as provided in the Lease; and liability insurance with coverage of no less than $1,000,000.

NO SCALE

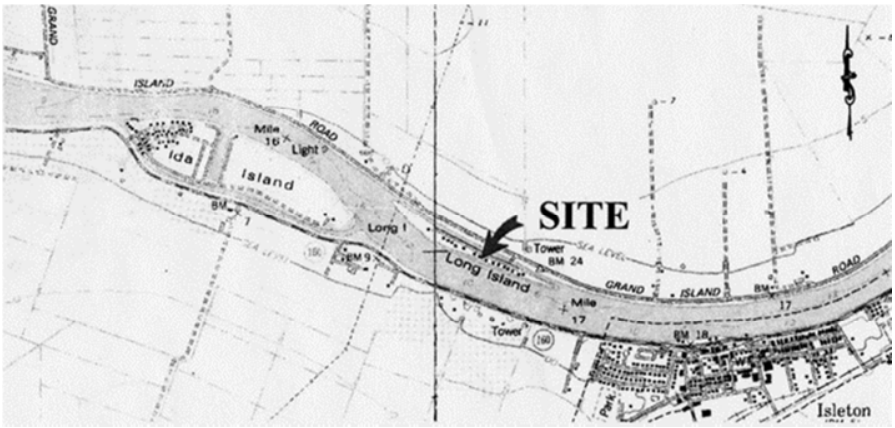
SITE



17404 GRAND ISLAND ROAD, WALNUT GROVE

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 4761.1
SCOTT / HOBERT
APN 142-0150-001
GENERAL LEASE
RECREATION & PROTECTIVE
STRUCTURE USE
SACRAMENTO COUNTY

DJF 04/10