

**CALENDAR ITEM**

**C40**

A 2, 5

06/23/11

S 4, 6

W 25934  
V. Caldwell

**GENERAL LEASE – PROTECTIVE STRUCTURE USE**

**APPLICANT:**

Diane J. Hovey, Trustee of the Diane J. Hovey Trust established June 12, 2007

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Sacramento River, adjacent to 6075 Garden Highway, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of existing bank protection placed along a 260 linear foot section of the left (east) bank levee of the Sacramento River, not previously authorized by the Commission, as shown on Exhibit A.

**LEASE TERM:**

10 years, beginning June 23, 2011.

**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 combined coverage of no less than \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. In April 2009, after obtaining permits from the U.S. Army Corps of Engineers, California Department of Fish and Game, Central Valley Flood Protection Board, and Reclamation District 1000, the Applicant placed 260 linear feet of rock rip-rap on the left (east) bank levee of the Sacramento River without prior approval by the Commission. The Applicant is now applying for a new General Lease - Protective Structure Use for the existing bank protection.

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3. 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.
4. 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 14, California Code of Regulations, section 15304.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 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:**

U.S. Army Corps of Engineers, California Department of Fish and Game, Central Valley Flood Protection Board, and Reclamation District 1000.

**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 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304.

**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 section 6370, et seq.

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**AUTHORIZATION:**

Authorize issuance of a General Lease – Protective Structure Use to Diane J. Hovey, Trustee of the Diane J. Hovey Trust established June 12, 2007, beginning June 23, 2011, for a term of 10 years, for the continued use and maintenance of existing bank protection placed along a 260 linear foot section of the left (east) bank levee of the Sacramento River, not previously authorized by the Commission, as shown on Exhibit A attached and by this reference made a part hereof; consideration being 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; and liability insurance in the amount of no less than \$1,000,000.