

**CALENDAR ITEM  
C54**

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S 6

06/23/11  
WP 6891.9  
N. Lavoie

**GENERAL LEASE – PROTECTIVE STRUCTURE USE**

**APPLICANTS:**

Nancy H. Stefan and Lang Haskins Montgomery, as Cotrustees of the Stefan Family Trust dated July 31, 1997 – Trust A; and Victor F. Stefan, Jr., Andrew E. Montgomery III and Molly Montgomery Soria, as successor Cotrustees of the Stefan Family Trust dated July 31, 1997 – Trust B

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

Sovereign land in the Sacramento River, adjacent to 4061 Garden Highway, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

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

**LEASE TERM:**

10 years, beginning September 26, 2010.

**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. Applicants own the upland adjoining the lease premises.
2. On July 6, 1995, the Commission authorized a 15-year General Lease – Protective Structure Use to Victor F. and Nancy H. Stefan. The lease expired September 25, 2010. The ownership of the upland property has since transferred to Nancy H. Stefan and Lang Haskins Montgomery, as Cotrustees of the Stefan Family Trust dated July 31, 1997 – Trust A; and

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Victor F. Stefan, Jr., Andrew E. Montgomery III, and Molly Montgomery Soria, as successor Cotrustees of the Stefan Family Trust dated July 31, 1997 – Trust B. The Applicants are now applying for a new General Lease – Protective Structure Use.

3. The bank protection mutually benefits both the public and the Applicants. The bank of the Sacramento River will have 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 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.

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.

**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).

**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 Nancy H. Stefan and Lang Haskins Montgomery, as Cotrustees of the Stefan Family Trust dated July 31, 1997 – Trust A; and Victor F. Stefan, Jr., Andrew E. Montgomery III and Molly Montgomery Soria, as successor Cotrustees of the Stefan Family Trust dated July 31, 1997 – Trust B, beginning September 26, 2010, for a term of 10 years, for the continued use and maintenance of existing bank protection as shown on Exhibit A attached and by this reference made a part hereof; consideration to be 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.