

**CALENDAR ITEM  
C15**

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09/20/13

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PRC 6324.1

V. Caldwell

**GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE**

**APPLICANT:**

Daniel L. Walsh

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

Sovereign land in the Sacramento River, adjacent to 4321 Garden Highway, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of existing bank protection previously authorized by the Commission; and use and maintenance of an existing uncovered single-berth floating boat dock, dolphin, two pilings, and gangway not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning August 23, 2013.

**CONSIDERATION:**

**Uncovered Single-Berth Floating Boat Dock, Dolphin, Two Pilings, and Gangway:** \$356 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**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 an amount of no less than \$1,000,000 per occurrence.

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.

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2. On September 23, 1982, the Commission authorized a General Lease – Protective Structure Use to Samuel R. Lopez. That lease expired on August 31, 2007.
3. On September 21, 2001, the Applicant purchased the upland property. The dock facilities have existed for many years but were not previously authorized by the Commission. The original dock was permitted by the U.S. Army Corps of Engineers on August 20, 1976. The Reclamation Board (now Central Valley Flood Protection Board) issued a permit on February 18, 1977. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use for the existing dock facilities and bank protection.
4. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
5. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).  
  
Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.
6. 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.

**EXHIBITS:**

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

CALENDAR ITEM NO. **C15** (CONT'D)

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (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.

**AUTHORIZATION:**

Authorize Issuance of a General Lease – Recreational and Protective Structure Use to Daniel L. Walsh beginning August 23, 2013, for a term of 10 years, for the continued use and maintenance of existing bank protection previously authorized by the Commission; and use and maintenance of an existing uncovered single-berth floating boat dock, dolphin, two pilings, and gangway not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the boat dock, dolphin, two pilings and gangway: annual rent in the amount of \$356 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; 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 with coverage of no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 6324.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 416 patented July 11, 1865, County of Sacramento, State of California, more particularly described as follows:

**PARCEL 1 – DOCK**

All those lands underlying an existing uncovered single-berth floating boat dock, two (2) pilings, a two-pile dolphin and a gangway, lying adjacent to that Lot as described in Exhibit A of that Grant Deed recorded September 21, 2001, in Book 20010921, Page 1980 of Official Records of said County.

TOGETHER WITH a 10 foot impact area.

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure adjacent to said parcel.

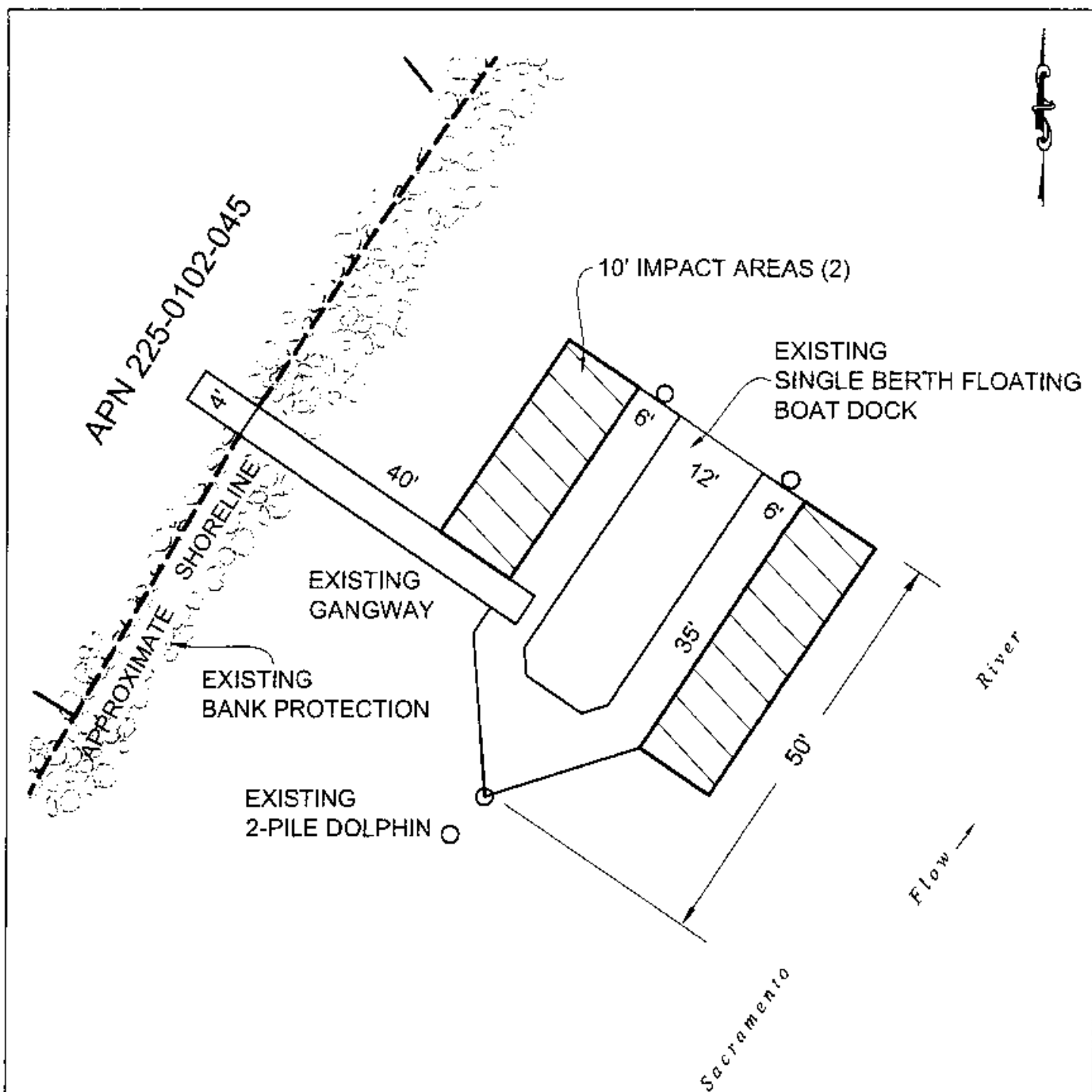
EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared May 6, 2013 by the California State Lands Commission Boundary Unit.





## EXHIBIT A

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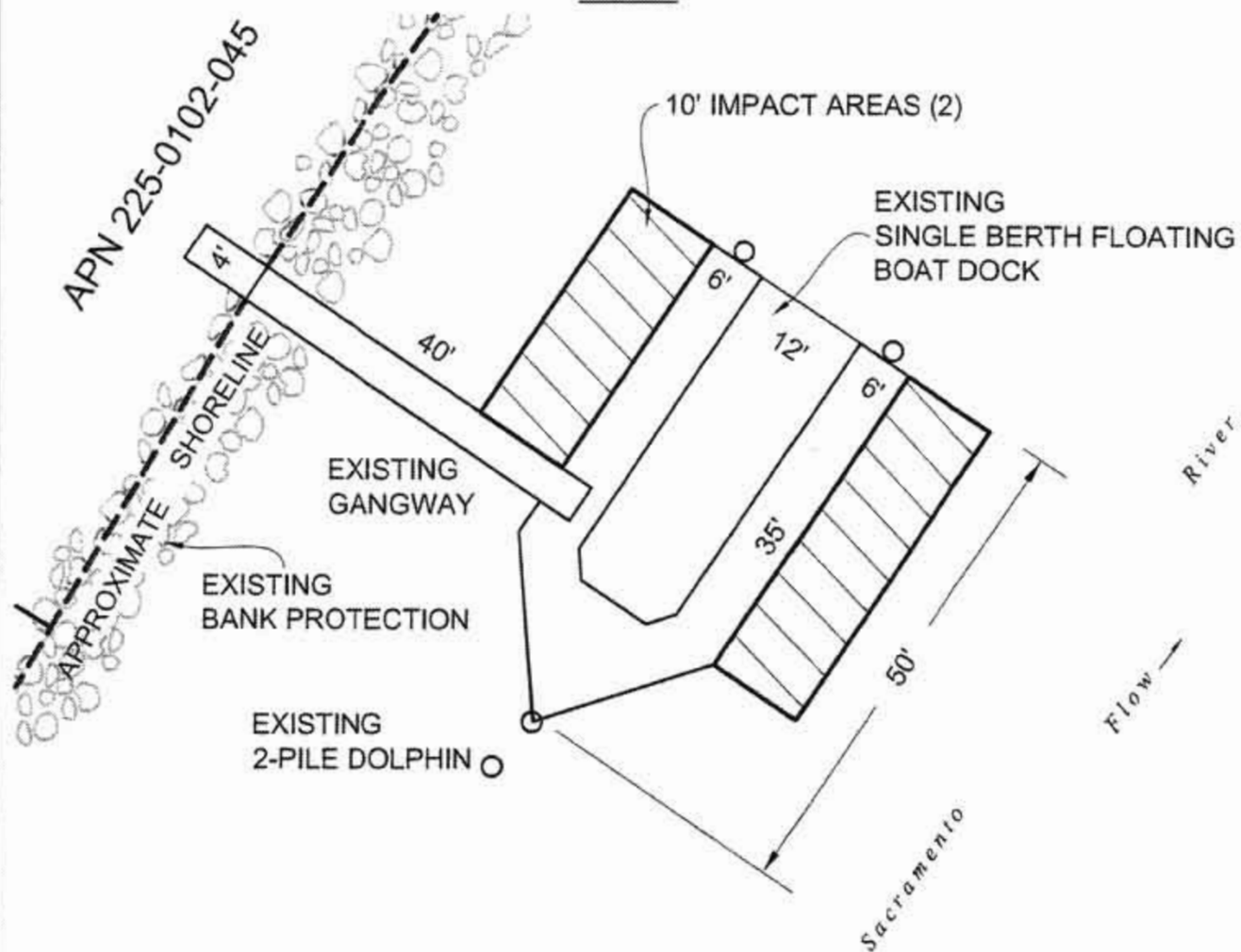
LAND DESCRIPTION PLAT  
PRC 6324.1, WALSH  
SACRAMENTO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

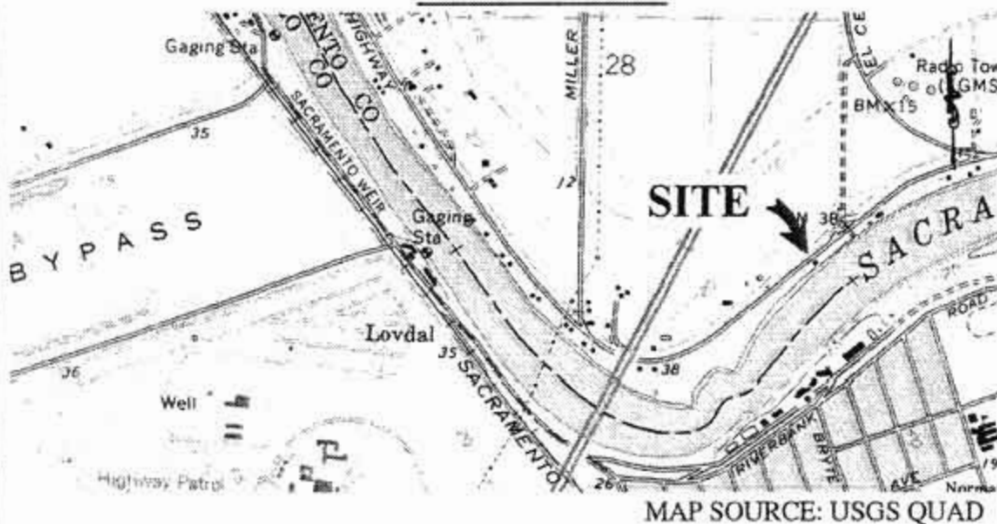
## SITE



4321 GARDEN HIGHWAY, NEAR SACRAMENTO

NO SCALE

## LOCATION



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 B**

PRC 6324.1  
WALSH  
APN 225-0102-045  
GENERAL LEASE -  
RECREATIONAL &  
PROTECTIVE STRUCTURE USE  
SACRAMENTO COUNTY



MJJ 05/21/13