

**CALENDAR ITEM
C05**

A 7
S 6

06/19/14
W 26698
V. Caldwell

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Richard Alan Rethford and Bambi-Lynn Rethford, Trustees of the Rethford Family Trust

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 2399 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Use and maintenance of an existing double-berth floating boat dock with one boat lift, three steel pilings, gangway, electrical and water utility outlet, portable jet-ski float, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning June 19, 2014.

CONSIDERATION:

Double-Berth Floating Boat Dock with One Boat Lift, Three Steel Pilings, Gangway, Electrical and Water Utility Outlet, and Portable Jet-Ski Float: \$642 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 no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.

CALENDAR ITEM NO. **C05** (CONT'D)

2. The double-berth dock with one boat lift, three steel pilings, gangway, electrical and water utility outlet, portable jet-ski float, and bank protection were constructed at this location without prior Commission authorization. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.
3. The Applicants are in the process of obtaining after-the-fact permits from the U.S. Army Corps of Engineers and Central Valley Flood Protection Board. Although not previously authorized by the Commission, the improvements are not inconsistent with the Public Trust Doctrine. Staff therefore recommends authorizing the existing improvements.
4. The bank protection will mutually benefit 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.
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. **C05** (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 Richard Alan Rethford and Bambi-Lynn Rethford, Trustees of the Rethford Family Trust beginning June 19, 2014, for a term of 10 years, for the use and maintenance of an existing double-berth floating boat dock with one boat lift, three steel pilings, gangway, electrical and water utility outlet, portable jet-ski float, and bank protection 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 existing double-berth floating boat dock with one boat lift, three steel pilings, gangway, electrical and water utility outlet, and portable jet-ski float: \$642 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 rent if the Commission finds such action to be in the State's best interest; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

W 26698

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 828, patented April 5, 1869, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing uncovered double berth floating boat dock with one boat lift, gangway, three steel pilings, and electric and water utility outlets lying adjacent to that parcel described in Exhibit "A" of Grant Deed, recorded November 8, 2012 in Book 20121108 at Page 1107 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

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 said river.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 04/15/14 by the California State Lands Commission Boundary Unit



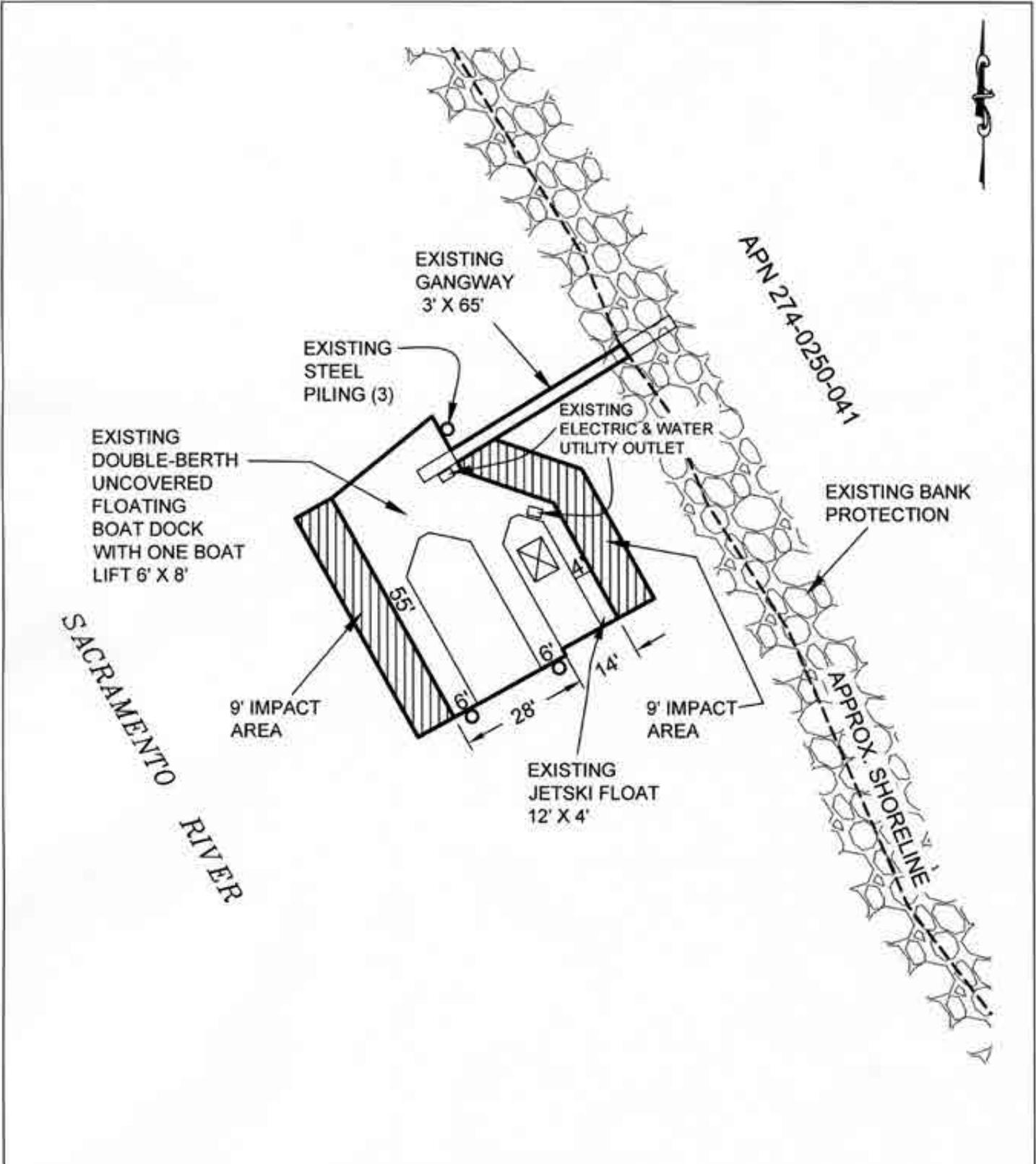
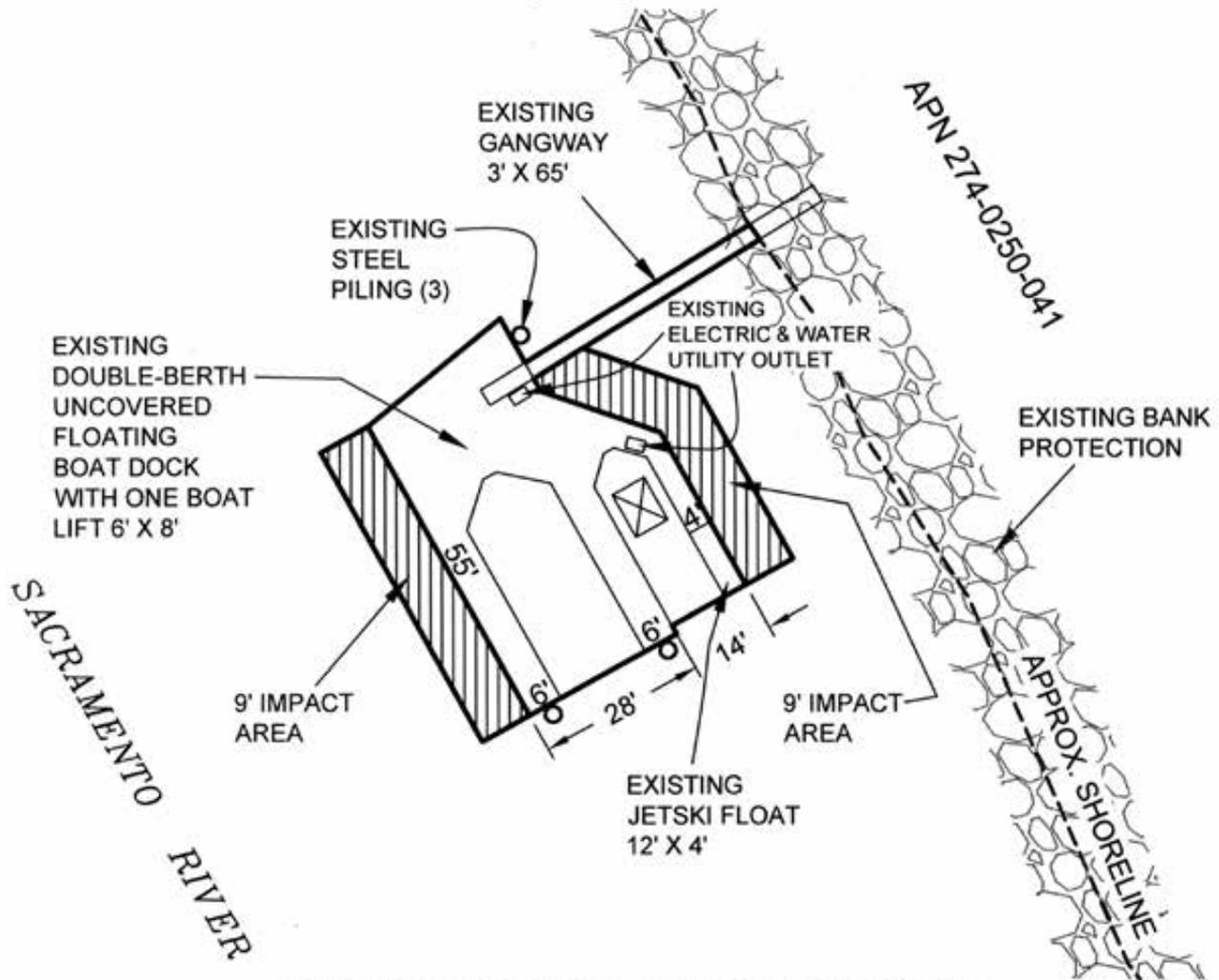


EXHIBIT A



NO SCALE

SITE



2399 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W26698
 RETHFORD TRUSTEES
 APN 274-0250-041
 GENERAL LEASE-
 RECREATIONAL &
 PROTECTIVE STRUCTURE USE
 SACRAMENTO COUNTY



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.