

**CALENDAR ITEM
C22**

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08/15/14
PRC 6437.1
J. Sampson

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Lino Catabran and Linda Catabran

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 5291 Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning April 30, 2013.

CONSIDERATION:

Covered single-berth floating boat dock, two gangways, three wood pilings, one two-pile dolphin, and two boat lifts: \$654 per year, with an annual Consumer Price Index adjustment.

Bank Protection: 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. **C22** (CONT'D)

2. On August 17, 2004, the Commission authorized a General Lease – Recreational and Protective Structure Use to Lino Catabran and Linda Catabran. That lease expired April 29, 2013. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.
3. The Applicants' additional gangway and two boat lifts have existed for many years. One of the gangways goes from the floating boat dock to the top of the adjoining levee, while the other gangway goes from the boat dock to a deck attached to the house on the upland. Staff recommends including these facilities as authorized improvements under the lease.
4. 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.
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. **C22** (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 Lino Catabran and Linda Catabran beginning April 30, 2013, for a term of 10 years, for the continued use and maintenance of an existing covered single-berth floating boat dock, one gangway, three wood pilings, one two-pile dolphin, and bank protection previously authorized by the Commission and use and maintenance of an additional existing gangway and two boat lifts 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 covered single-berth floating boat dock, two gangways, three wood pilings, one two-pile dolphin, and two boat lifts: annual rent in the amount of \$654, with an annual Consumer Price Index adjustment; consideration for the bank protection: 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

PRC 6437.1

LAND DESCRIPTION

One parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflow Survey 404, patented January 6, 1869, County of Sutter, State of California, and more particularly described as follows:

PARCEL 1 - PIER

All those lands underlying an existing covered floating boat dock, berth, two (2) boat lifts, two (2) gangways, one (1) two pile dolphin and three (3) pilings lying adjacent to that parcel as described in that Grant Deed recorded April 30, 2003 in Book 20030430 Page 3333 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(s) lying landward of the Ordinary High Water Mark of the Sacramento River.

Accompanying plat is hereby made a part of this description.

END OF DESCRIPTION

Prepared June 3, 2014 by the California State Lands Commission Boundary Unit.



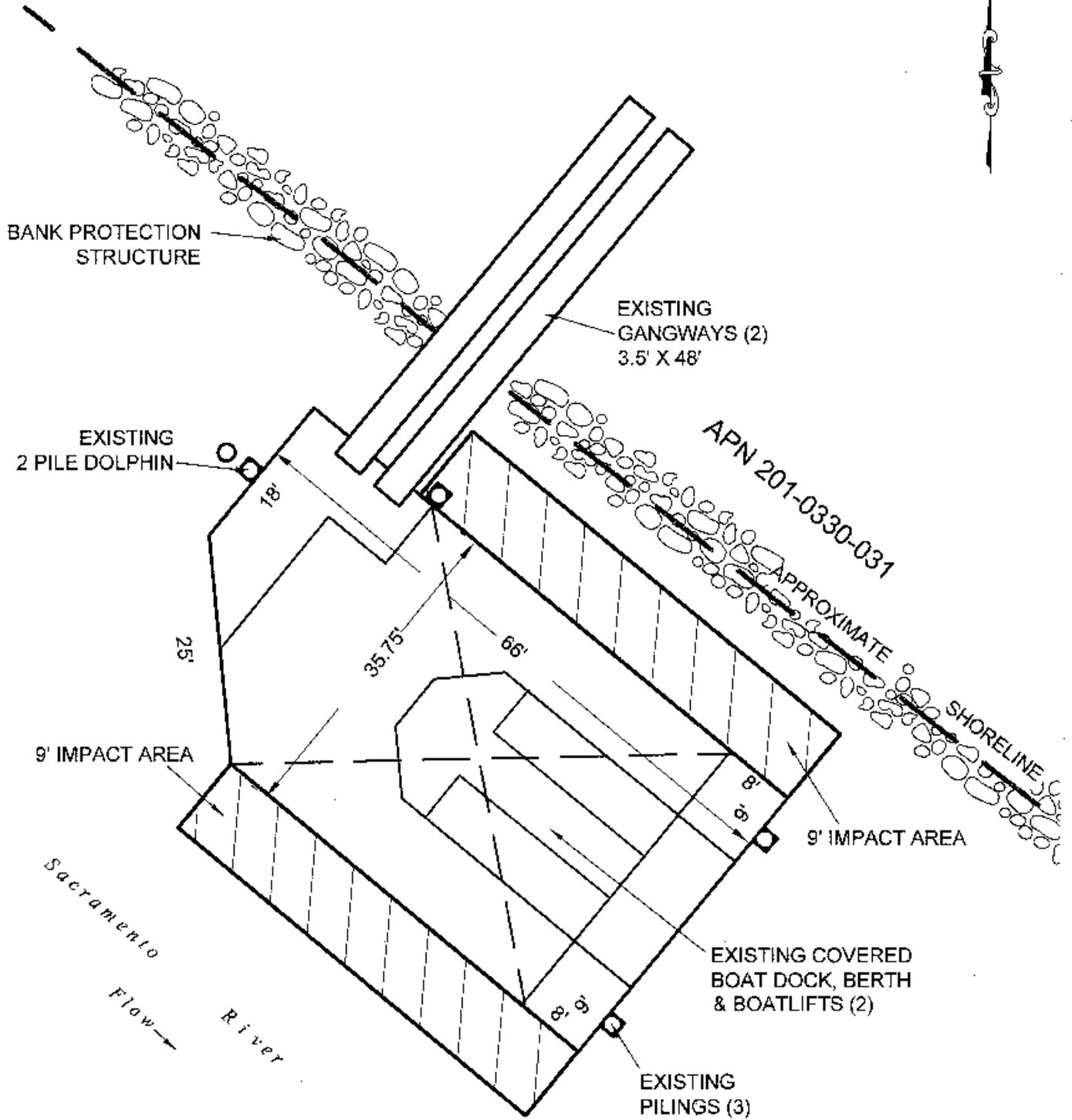


EXHIBIT A

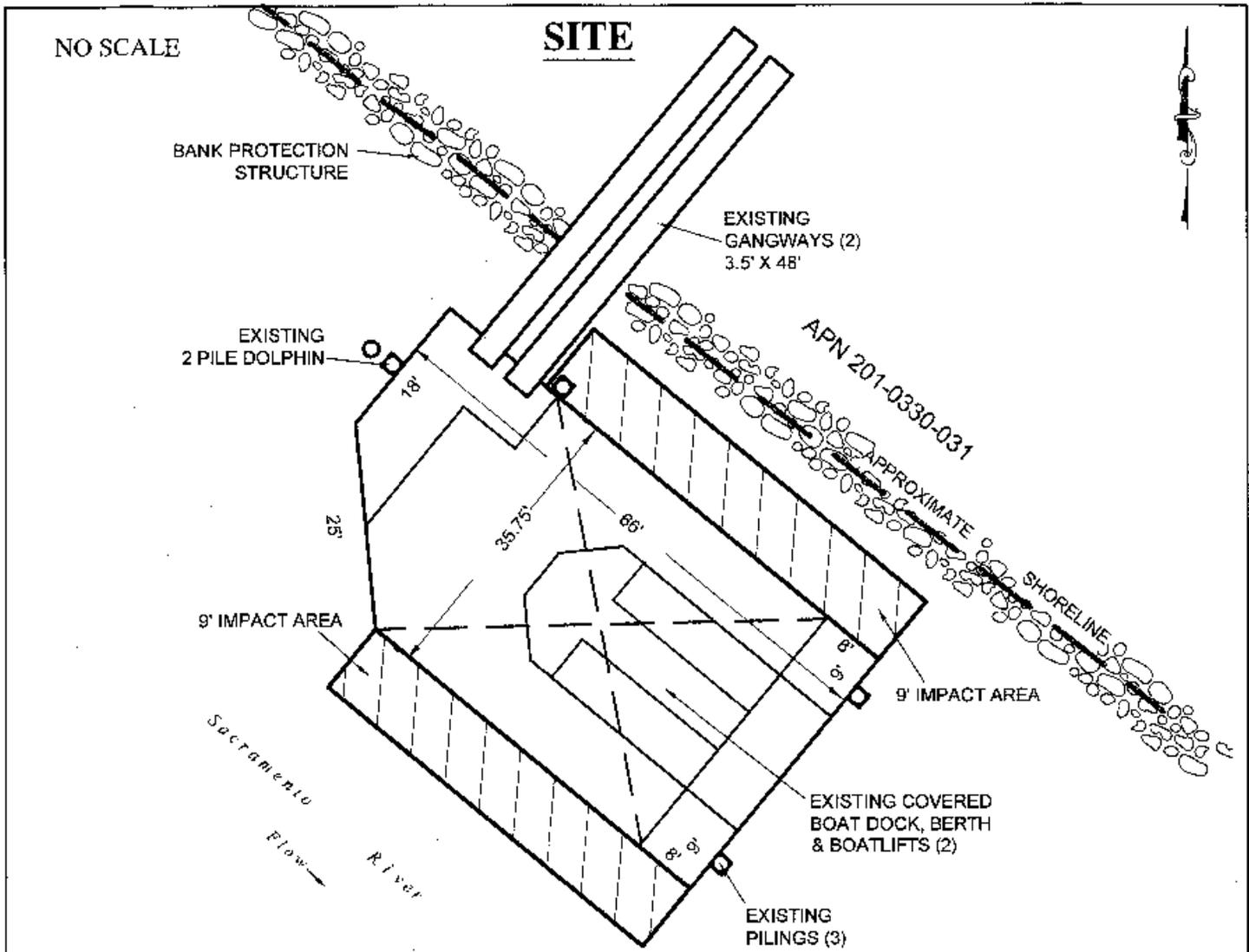
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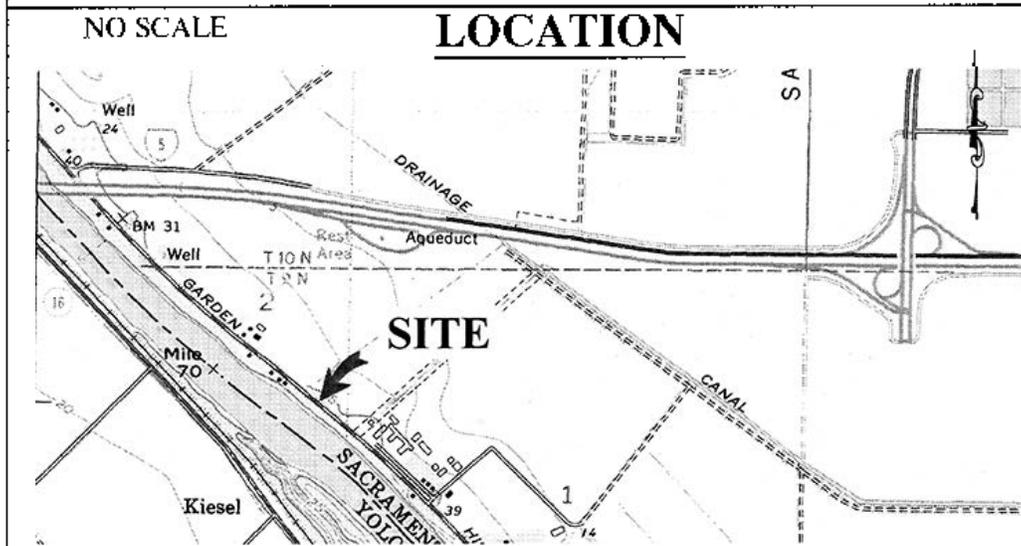
LAND DESCRIPTION PLAT
PRC 6437.1, CATABRAN
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION





5291 GARDEN HWY., SACRAMENTO



MAP SOURCE: USGS QUAD

Exhibit B
 PRC 6437.1
 CATABRAN
 APN 201-0330-031
 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.