

This Calendar Item No. C20 was approved as Minute Item No. 20 by the California State Lands Commission by a vote of 3 to 4 at its 2/2/04 meeting.

**CALENDAR ITEM
C20**

A 5,9

02/02/04

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WP 6524.9 and WP 5709.9

PRC6524, PRC5709 N. Quesada

**TERMINATION OF A GENERAL LEASE- PROTECTIVE STRUCTURE USE,
AND ISSUANCE OF A GENERAL LEASE –
PROTECTIVE STRUCTURE AND RECREATIONAL USE**

**1) TERMINATION OF A GENERAL LEASE- PROTECTIVE STRUCTURE
USE, PRC 5709.9**

LESSEE:

Edwin M. Kado

AREA, LAND TYPE, AND LOCATION:

.022 acre strip of tide submerged land in the bed of the Sacramento River, adjoining the Garden Highway, Sacramento County.

AUTHORIZED USE:

Dredge material for bank protection and the placement of rock rip-rap bank protection.

LEASE TERMS:

25 years, beginning July 1, 1979.

CONSIDERATION:

Royalty- \$0.25 cubic yard for spoils. The public use and benefit for bank protection.

**2) ISSUANCE OF NEW GENERAL LEASE – PROTECTIVE STRUCTURE AND
RECREATIONAL USE, PRC 6524.9**

APPLICANTS:

Edwin M. Kado and Jean A. Kado, Trustees of the Ed and Jean Kado Family Revocable Trust, Established December 17, 1998.

CALENDAR ITEM NO. C20 (CONT'D)

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing walkway, ramp, covered floating boat dock, a pier, and bank protection.

LEASE TERM:

Ten years, beginning November 20, 2003.

CONSIDERATION:

Walkway, Ramp, Covered Floating Boat Dock, and Pier - No monetary consideration pursuant to Public Resources Code section 6503.5.

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.

SPECIFIC LEASE PROVISIONS:

Combined single limit coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On September 9, 1993, the Commission authorized a Recreational Pier Permit, PRC 6524.9 with Edwin M. and Jean A. Kado. That lease expired November 20, 2003. On August 23, 1979, the Commission approved a General Permit - Protective Structure, PRC 5709.9, with Edwin M. Kado, for dredging and placement of rock rip-rap for bank protection. That lease expires on June 30, 2004. Both leases PRC 6524.9 and PRC 5709.9 are located on the same upland parcel. Lease PRC 5709.9 will be terminated and a new General Lease- Protective Structure and Recreational Use will be issued under PRC 6524.9.

CALENDAR ITEM NO. C20 (CONT'D)

The uplands have been deeded to Edwin M. Kado and Jean A. Kado, Trustees of the Ed and Jean Kado Family Revocable Trust, established December 17, 1998. Applicants are applying for a new General Lease - Protective Structure and Recreational Use. Applicants qualify for a rent-free lease for the walkway, ramp, covered floating boat dock, and pier because the applicants are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.

3. The bank protection at this location mutually benefits both the public and the applicant. The bank of the River will have the additional protection from wave action provided at no cost to the public.
4. **Termination of Existing Lease - PRC 5709.9:** 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 the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, section 15060(c)(3) and 15378.

5. **Issuance of New Lease - PRC 6524.9:** 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 the 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 sections 6370, et seq. 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.

CALENDAR ITEM NO. C20 (CONT'D)

EXHIBIT:

- A. Site Map and Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE – PRC 5709.9: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE PROVISIONS OF THE CEQA BECAUSE IT IS NOT A "PROJECT" AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS 15060(c)(3) AND 15378.

ISSUANCE OF NEW LEASE – PRC 6524.9: FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE 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 SECTIONS 6370, ET SEQ.

AUTHORIZATION:

1. AUTHORIZE TERMINATION OF GENERAL LEASE- PROTECTIVE STRUCTURE USE PRC 5709.9, ISSUED TO EDWIN M. KADO, AND APPROVED BY THE COMMISSION ON AUGUST 23, 1979; EFFECTIVE NOVEMBER 19, 2003.
2. AUTHORIZE ISSUANCE TO EDWIN M. KADO AND JEAN A. KADO, TRUSTEES OF THE ED AND JEAN KADO FAMILY REVOCABLE TRUST, ESTABLISHED DECEMBER 17, 1998, OF A GENERAL LEASE - PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING NOVEMBER 20, 2003, FOR A TERM OF TEN YEARS, FOR EXISTING

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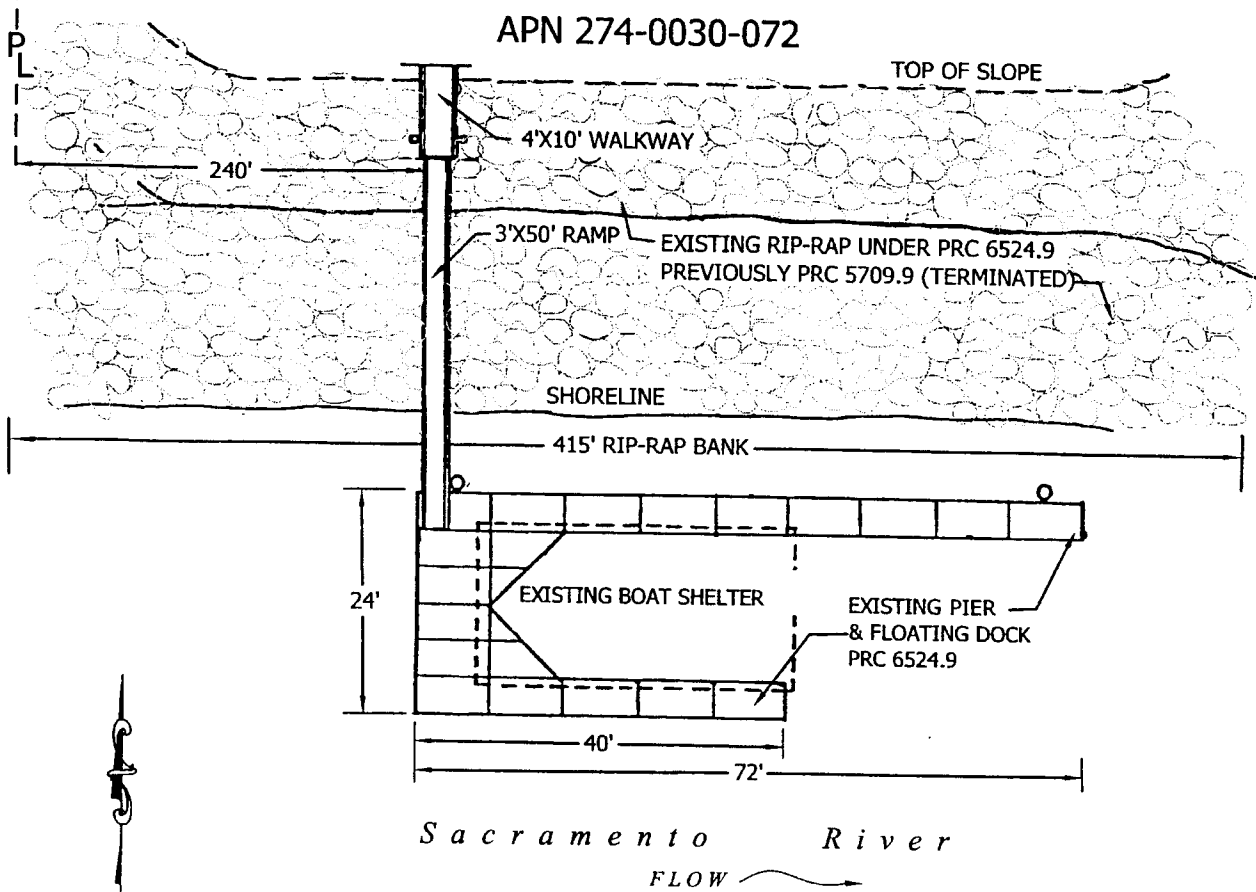
CALENDAR ITEM NO. C20 (CONT'D)

WALKWAY, RAMP, COVERED FLOATING BOAT DOCK, PIER, AND BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: WALKWAY, RAMP, COVERED FLOATING BOAT DOCK, AND PIER- NO MONETARY CONSIDERATION PURSUANT TO THE PUBLIC RESOURCES CODE SECTION 6503.5; 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; LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$500,000.

NO SCALE

SITE

APN 274-0030-072



1635 GARDEN HWY., SACRAMENTO RIVER

NO SCALE

LOCATION

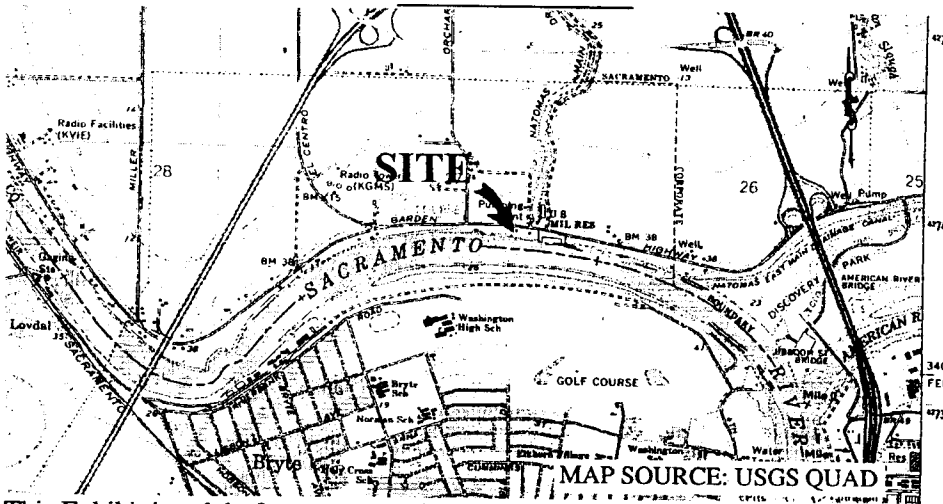


Exhibit A

PRC 6524.9
 Edwin & Jean Kado
 APN 274-0030-072
 Sacramento River
 SACRAMENTO CO.



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.

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