

This Calendar Item No. C41 was approved as Minute Item No. 41 by the California State Lands Commission by a vote of 3 to 0 at its 4-26-05 meeting.

**CALENDAR ITEM
C41**

A 05,09

04/26/05

S 06

PRC 6889.9

J. McComas

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

APPLICANT:

Thomas M. Gilbert

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued use and maintenance of a floating boat dock, ramp, dolphin, pilings, and bank protection.

LEASE TERM:

Ten years, beginning October 1, 2005.

CONSIDERATION:

Floating boat dock, ramp, dolphin, and pilings: No consideration pursuant to 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 that such action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance with a combined single limit of \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On July 6, 1995, the Commission issued a General Lease - Recreational and Protective Structure Use to Thomas M. Gilbert for a floating boat dock, walkway and bank protection for a ten year period beginning

CALENDAR ITEM NO. C41 (CONT'D)

October 1, 1995. That lease will expire on September 30, 2005. Applicant is now applying for a new General Lease - Protective Structure and Recreational Use. Applicant qualifies for a rent-free floating boat dock, ramp, dolphin, and pilings because he is a natural person who has improved the littoral lands with, and uses the uplands for, a single family dwelling.

3. The bank protection at this location mutually benefits the public and the applicant. The bank of the 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 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.

EXHIBITS:

- A. Site
- B.. Location

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CALENDAR ITEM NO. C41 (CONT'D)

CEQA FINDING:

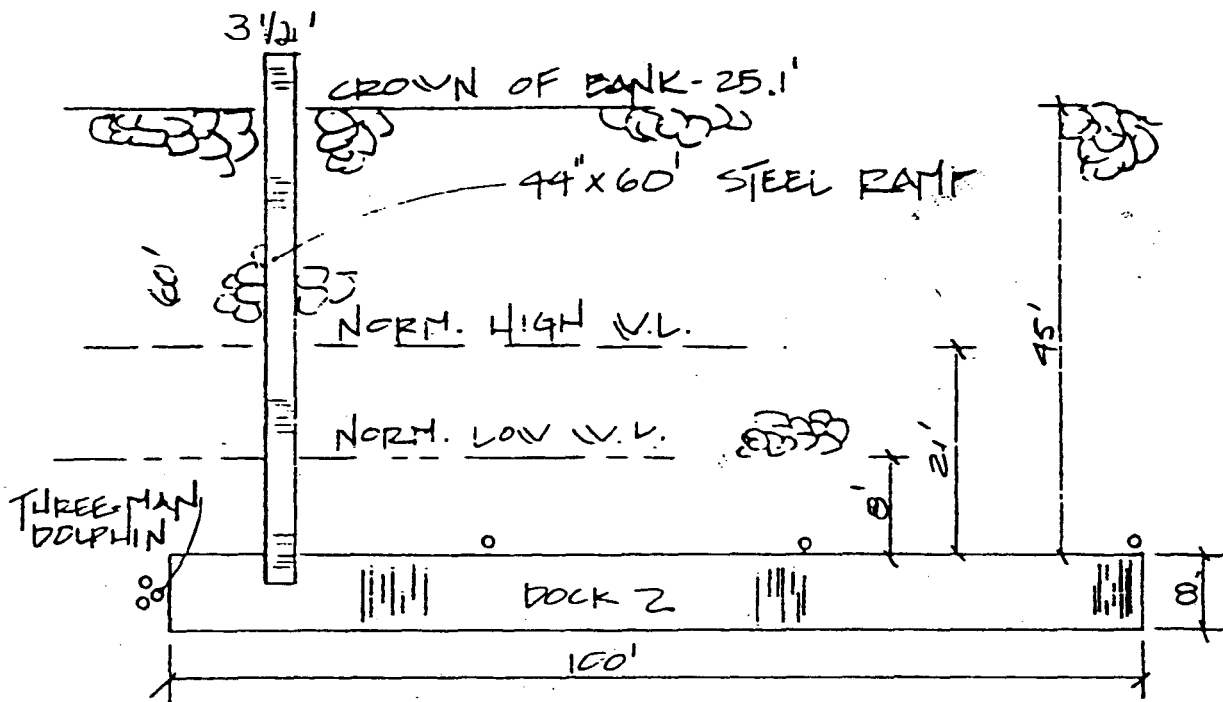
FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

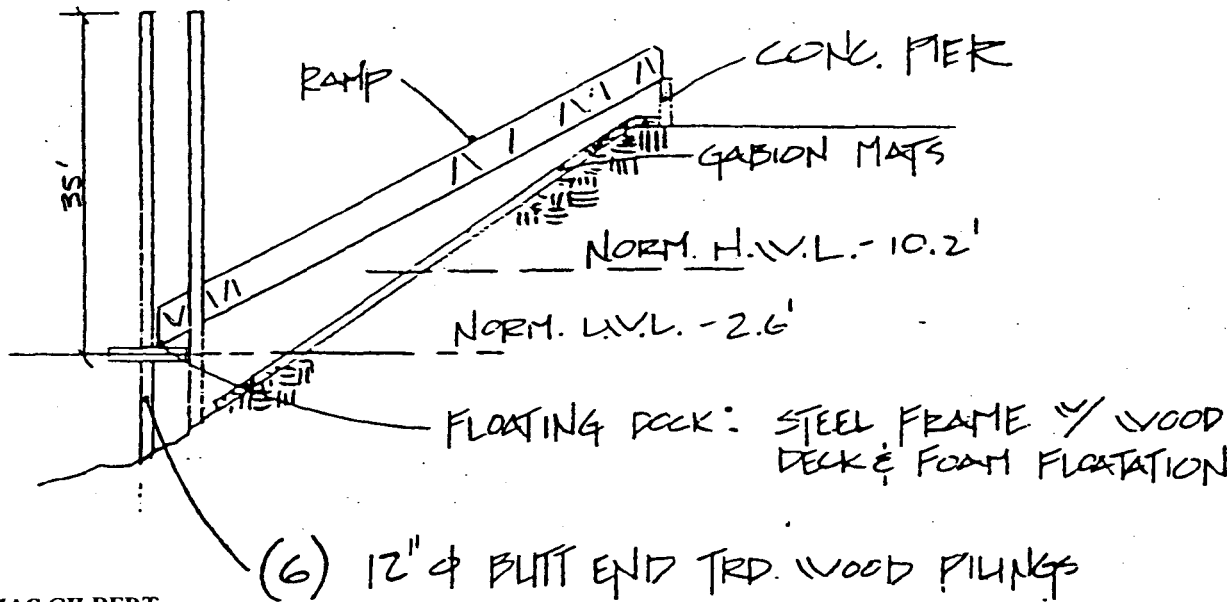
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THOMAS M. GILBERT OF A GENERAL LEASE - PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING OCTOBER 1, 2005, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF A FLOATING DOCK, RAMP, DOLPHIN, PILINGS, AND BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF;
CONSIDERATION: FLOATING DOCK, RAMP, DOLPHIN AND PILINGS - 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 RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE WITH A COMBINED SINGLE LIMIT OF \$500,000.



PLAN VIEW
1" = 20'

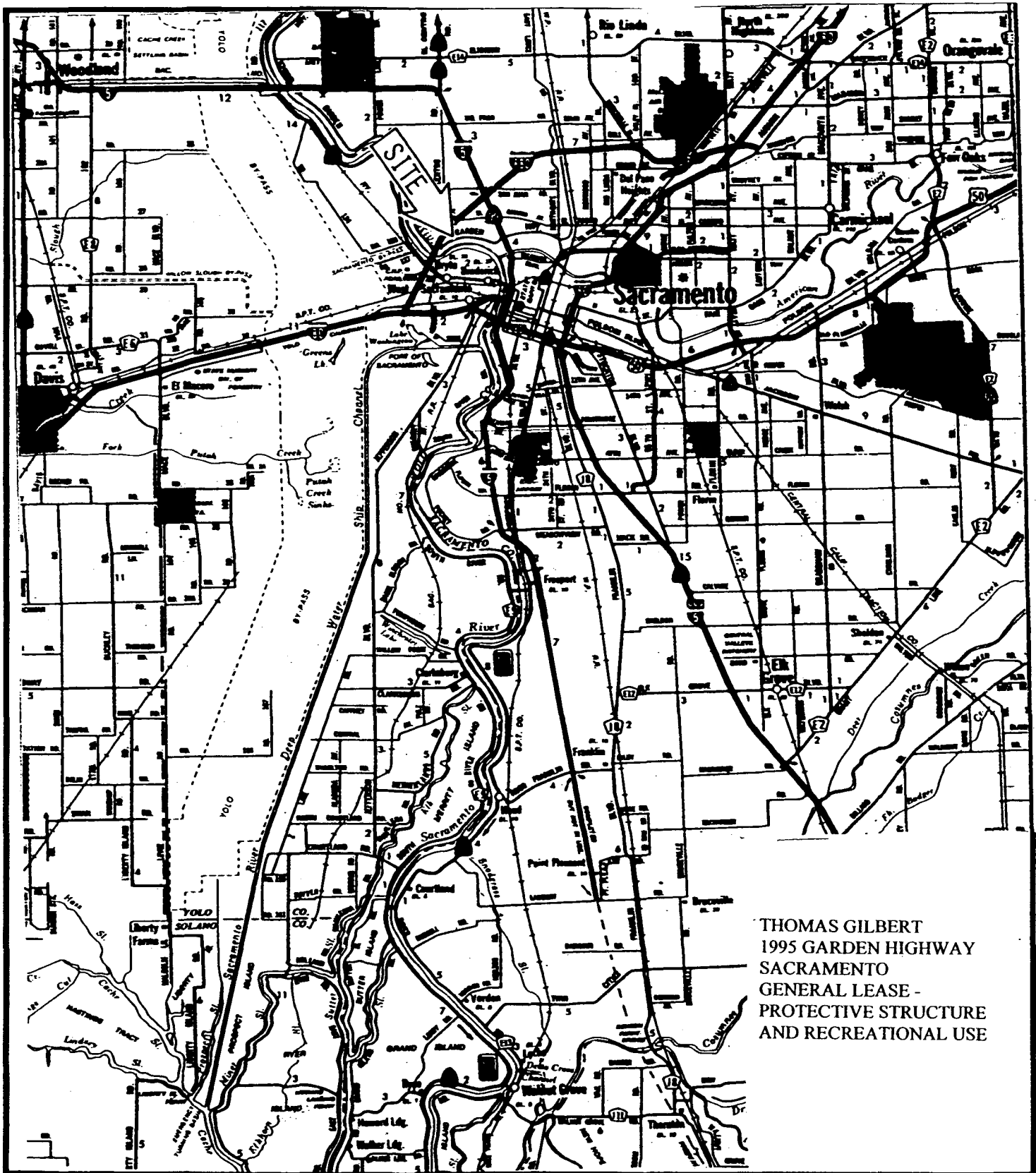


SIDE ELEVATION
1" = 20'

THOMAS GILBERT
1995 GARDEN HIGHWAY
SACRAMENTO
GENERAL LEASE -
PROTECTIVE STRUCTURE
AND RECREATIONAL USE

This exhibit is solely for purposes of generally defining the leased premises, is based on unverified information provided by lessee or other parties, and is not intended to be, nor shall it be construed to as a waiver or limitation of any state interest in the subject or any other property.

Exhibit A
PRC 6889.9



THOMAS GILBERT
 1995 GARDEN HIGHWAY
 SACRAMENTO
 GENERAL LEASE -
 PROTECTIVE STRUCTURE
 AND RECREATIONAL USE

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Exhibit B
PRC 6889.9