

MINUTE ITEM

This Calendar Item No. C39 was approved as Minute Item No. 39 by the California State Lands Commission by a vote of 3 to 0 at its 02-09-06 meeting.

CALENDAR ITEM
C39

A 9
S 6

02/09/06
WP 5042
V. Massey
PRC 5042

GENERAL LEASE -
PROTECTIVE STRUCTURE USE

APPLICANTS:

Jim Frayser, Trustee of the James H. Frayser 1992 Revocable Trust, and Judy A. Deville

LAND TYPE, AND LOCATION:

Tide and submerged lands in the Sacramento River, adjacent to Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

The continued use and maintenance of existing bank protection.

LEASE TERM:

25 years, beginning June 1, 2006.

CONSIDERATION:

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 with combined coverage no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On July 23, 1981, the Commission authorized a General Permit - Protective Structure Use with Judy A. Deville and James H. Frayser. That lease will expire on May 31, 2006. The portion of the property owned by James H. Frayser has been placed in a trust, but the portion owned by Judy A. Deville is owned by Ms. Deville as a single woman. Jim Frayser, Trustee of the James H. Frayser 1992 Revocable Trust, and Judy A.

CALENDAR ITEM NO. C39 (CONT'D)

Deville, are now applying for a new General Lease - Protective Structure Use.

3. The bank protection at this location mutually benefits both the public and the Applicants. The bank of the River will have the 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

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:

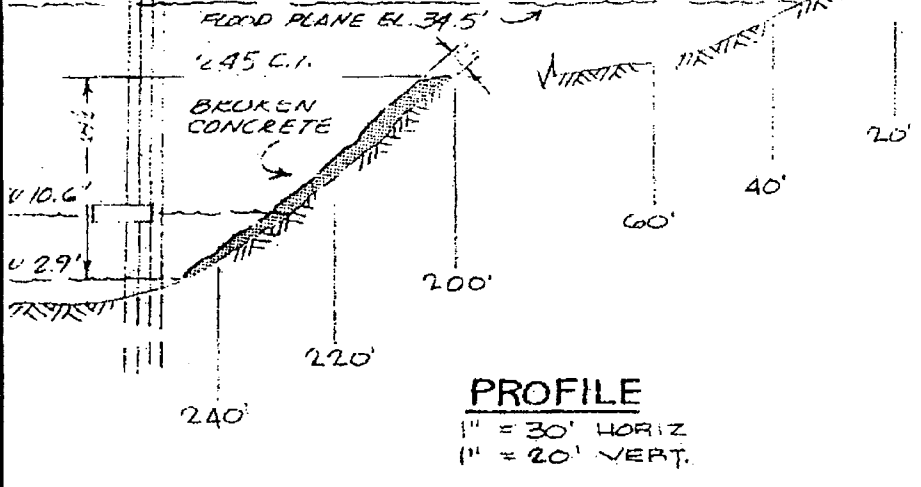
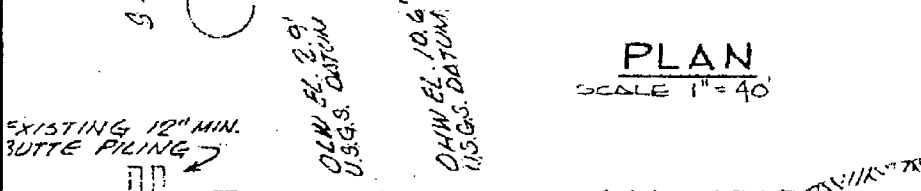
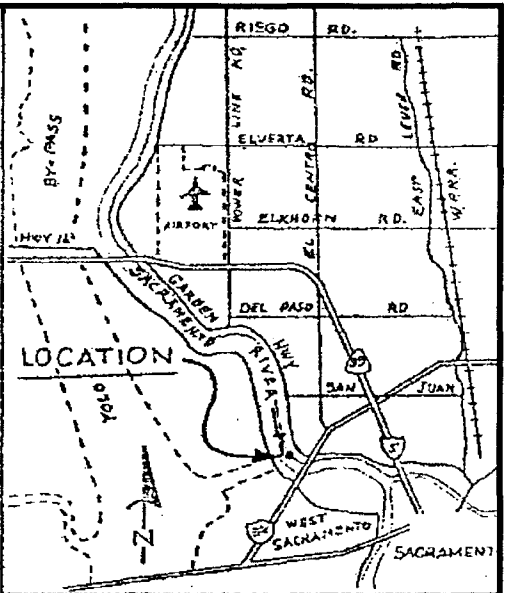
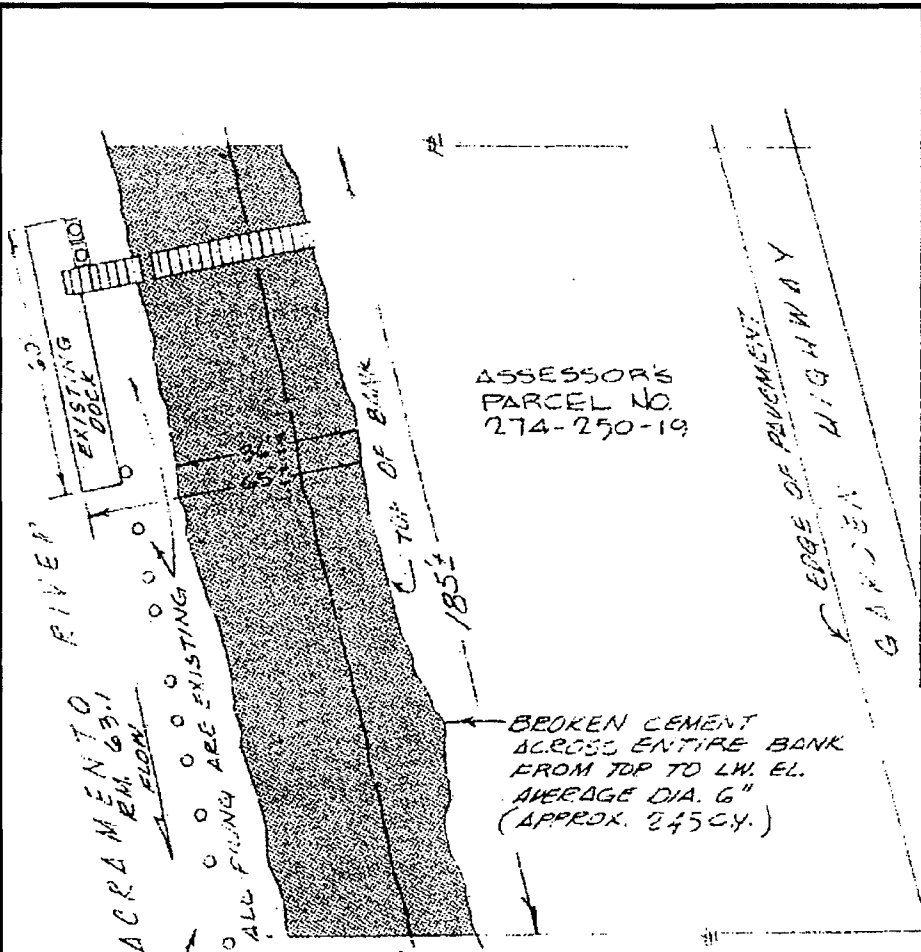
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE

CALENDAR ITEM NO. C39 (CONT'D)

LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,
ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO JIM FRAYSER, TRUSTEE OF THE JAMES H. FRAYSER 1992 REVOCABLE TRUST, AND JUDY A. DEVILLE, OF A GENERAL LEASE - PROTECTIVE STRUCTURE USE, BEGINNING JUNE 1, 2006, FOR A TERM OF 25 YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF EXISTING BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF;
CONSIDERATION BEING: 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 COVERAGE OF NO LESS THAN \$500,000.



VICINITY MAP
SCALE IN MILES

PLAN
SCALE 1" = 40'

PROFILE
1" = 30' HORIZ
1" = 20' VERT.

NOTE
ALL ELEVATIONS REFER TO U.S.G.S. DATUM

Exhibit A
PRC 5042A
Frayser Bank Protection
Sacramento County



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