

This Calendar Item No. C42 was approved as Minute Item No. 42 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

CALENDAR ITEM

C42

A 5,9

04/17/06

PRC 8672.9

W 25993

S 6

J. McComas

GENERAL LEASE -
RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Kenneth B. Wegner and Cari R. Wegner

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Use and maintenance of an existing uncovered U-shaped floating boat dock, pilings, gangway, and bank protection as shown on the attached Exhibit A..

LEASE TERM:

Ten years, beginning April 17, 2006.

CONSIDERATION:

Uncovered U-shaped floating boat dock, pilings, and gangway:
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.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. A dock and bank protection was placed adjacent to the upland property without prior authorization from the Commission. The Applicants

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subsequently purchased the upland property and reconstructed the existing uncovered U-shaped floating boat dock, pilings, and gangway and did not obtain the required authorizations. Applicants have now obtained the required after-the-fact permits and are applying to the Commission for a new General Lease – Recreational and Protective Structure Use.

3. Applicants qualify for a rent-free lease for the uncovered U-shaped floating boat dock, pilings, and gangway because the Applicants are natural persons who have improved the littoral land with, and use the upland, for a single-family dwelling.
4. The bank protection at this location mutually benefits both the public and the Applicants. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
5. The U. S. Fish and Wildlife Service consultation, made in accordance with section 7 of the Endangered Species Act, requires the Applicant to purchase .0012 acre of shallow water habitat credits from Wildlands' Kimball Island conservation banks, to mitigate for the shading of surface water by the proposed facility. Shading is determined by the U. S. Fish and Wildlife Service to have a potential detrimental impact on the federally threatened delta smelt (*Hypomesus transpacificus*). A copy of the conservation bank invoice will be provided to CSLC prior to construction.

5. **UNCOVERED U-SHAPED FLOATING BOAT DOCK, PILINGS, AND GANGWAY:**

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 applies only to projects which have the potential for causing a significant effect on the environment. The staff believes, based on the information available to it, that there is no possibility that this project may have a significant effect on the environment.

Authority: Title 14, California Code of Regulations, section 15061 (b)(3).

BANK PROTECTION:

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

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the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration to Land; Title 2, California Code of Regulations, section 2905 (d)(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.

6. 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 process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

U. S. Army Corps of Engineers, NOAA Fisheries, U. S. Fish and Wildlife Service, California Department of Fish and Game, The Reclamation Board, and California Regional Water Quality Control Board.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED U-SHAPED FLOATING BOAT DOCK, PILINGS, AND GANGWAY:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15061 (b)(3).

BANK PROTECTION:

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

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PROJECT, CLASS 4, MINOR ALTERATION TO LAND; TITLE 2,
CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

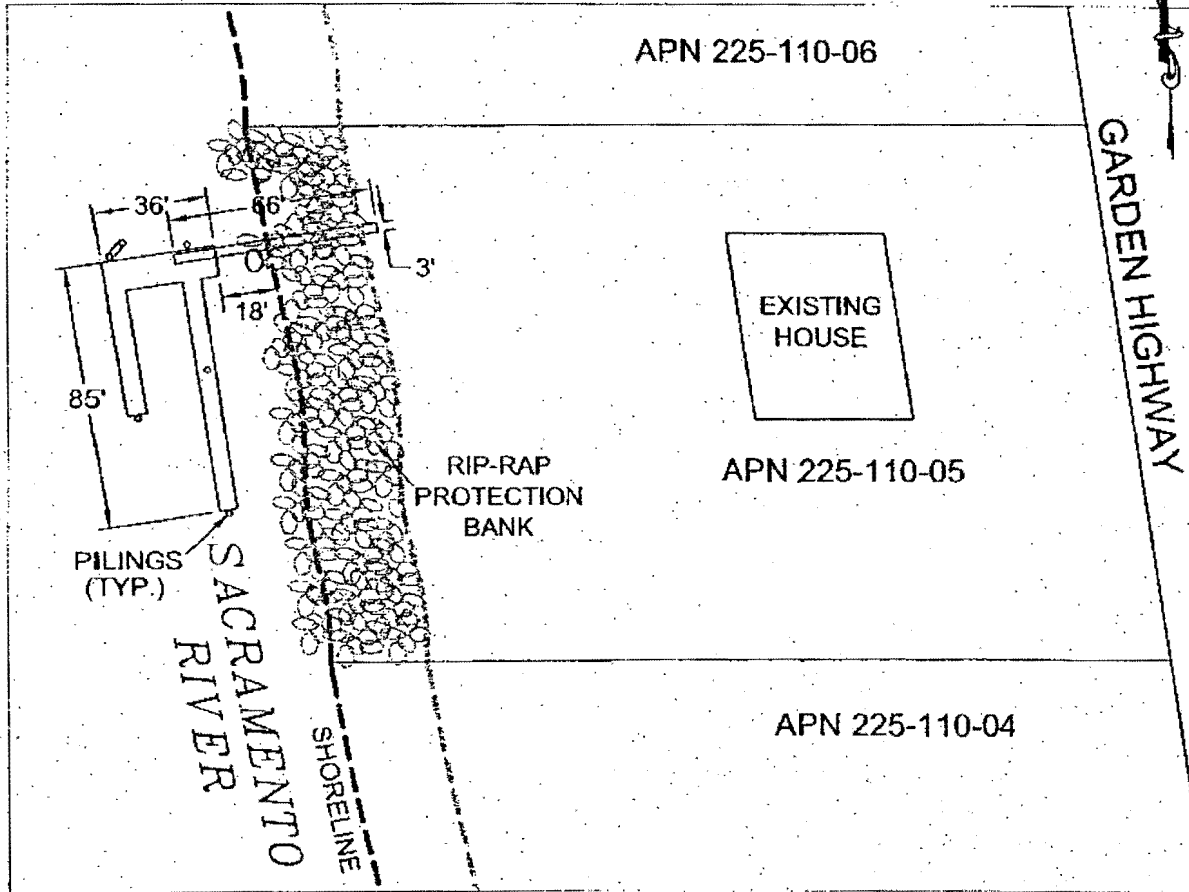
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE
CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE
LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,
ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO KENNETH B. WEGNER AND CARI R.
WEGNER OF A GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE, BEGINNING APRIL 17, 2006, FOR A
TERM OF TEN YEARS, FOR THE USE AND MAINTENANCE OF AN
EXISTING UNCOVERED U-SHAPED FLOATING BOAT DOCK,
PILINGS, GANGWAY, AND BANK PROTECTION AS SHOWN ON
EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART
HEREOF; CONSIDERATION: UNCOVERED U-SHAPED FLOATING
BOAT DOCK, PILINGS, AND GANGWAY: 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 IN THE AMOUNT OF NO LESS THAN \$500,000.

NO SCALE

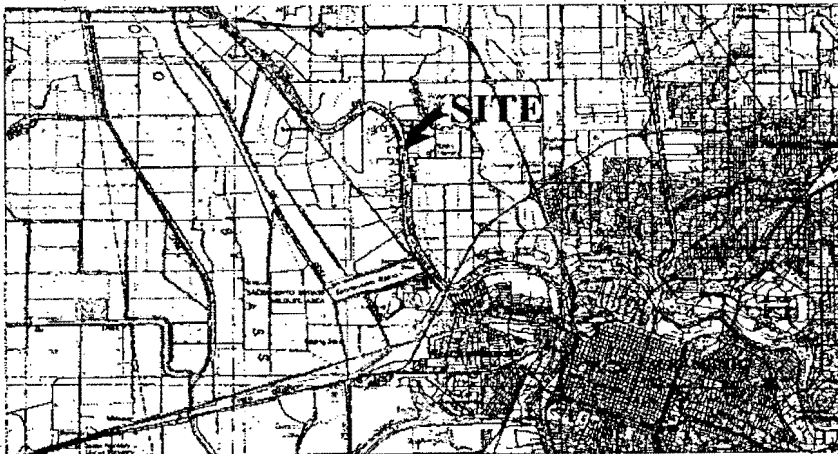
SITE



3815 Garden Hwy, Sacramento, CA 95834

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

W 25993

KENNETH & CARI WEGNER
 GENERAL LEASE
 RECREATIONAL USE
 SACRAMENTO RIVER
 SACRAMENTO COUNTY



MAP 2/28/88

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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