

**CALENDAR ITEM
C29**

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08/24/06
PRC 2761 WP 2761.1
V. Massey

GENERAL LEASE - COMMERCIAL USE

APPLICANTS:

Hector Becerra, Juan Becerra and Odulia Becerra

AREA, LAND TYPE, AND LOCATION:

0.23 acres, more or less, of sovereign lands in the Sacramento River, at Walnut Grove, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered accommodation dock, hinged walkway, support pilings, and a fixed platform.

LEASE TERM:

20 years, beginning January 16, 2004.

CONSIDERATION:

\$650 per year; with the State reserving the right to fix a different rent periodically during the term of the lease, as provided in the lease.

SPECIFIC LEASE PROVISIONS:

Insurance:

Liability insurance with a coverage of no less than \$1,000,000.

Bond:

\$5,000.

SPECIAL PROVISIONS:

Best Management Practices for Marina Owners/Operators and Guest Dock Users and Boaters.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

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2. On August 25, 1983, the Commission authorized a 15-year General Lease – Commercial Use to Dale E. Dorn and Alan B. Camp. On July 19, 1993, the Commission authorized an assignment of General Lease - Commercial Use of Alan B. Camp's partial interest to Dale E. Dorn. That lease expired on June 30, 1998. During this interim period, between July 1, 1998, and the present, the Lease has been in holdover status. The rent is current. The upland ownership subsequently transferred to Hector Becerra, Juan Becerra and Odulia Becerra. The Applicants are now applying for a new General Lease - Commercial Use.
3. 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).
4. The lease contains provisions that the Applicants must implement the Commission's "Best Management Practices for Marina Owners/Operator's" and encourage the implementation of the Commission's "Best Management Practices for Guest Dock Users and Boaters", including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. Applicants are required to post the BMPs for "Guest Dock Users and Boaters" in prominent places within the lease premises. The Applicants will provide the Commission, on the first anniversary of the lease and on each successive third anniversary of the lease thereafter, a report on compliance with all BMPs.

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.

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

AUTHORIZATION:

AUTHORIZE ISSUANCE TO HECTOR BECERRA, JUAN BECERRA AND ODULIA BECERRA OF A GENERAL LEASE - COMMERCIAL USE, BEGINNING JANUARY 16, 2004, FOR A TERM OF 20 YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED ACCOMMODATION DOCK, HINGED WALKWAY, SUPPORT PILINGS, AND A FIXED PLATFORM AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: \$650 PER ANNUM, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$1,000,000; SURETY BOND IN THE AMOUNT OF \$5,000.

