

MINUTE ITEM
This Calendar Item No. C32 was approved as
Minute Item No. 32 by the California State Lands
Commission by a vote of 3 to 0 at its
8/24/06 meeting.

CALENDAR ITEM

C32

A 9

08/24/06

PRC 5697 WP 5697.9

S 6

V. Massey

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

LESSEES:

Melodie K. Rufer and Chris J. Rufer, Trustees of the MKG Trust dated October 28, 1988

APPLICANT:

Tom Soto

AREA, LAND TYPE, AND LOCATION:

0.166 acres, more or less, of sovereign lands in the Sacramento River, adjacent to the Garden Highway, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, gangway, and bank protection.

LEASE TERM:

Ten years, beginning September 26, 2005.

CONSIDERATION:

Uncovered floating boat dock 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.

CALENDAR ITEM NO. C32 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On January 29, 1999, the Commission authorized a General Lease - Recreational and Protective Structure Use to Melodie K. Rufer and Chris J. Rufer, Trustees of the MKG Trust dated October 28, 1988. That lease was for the reconstruction of an existing floating boat dock, ramp and bank protection and will expire on October 30, 2008. The dock was never reconstructed as planned and the Lessee has since transferred ownership of the uplands to Tom Soto. The Applicant is now applying for a new General Lease - Recreational and Protective Structure Use for the existing boat dock, gangway, and bank protection. The Applicant qualifies for a rent free boat dock and gangway because he is a natural person who has improved the littoral land with, and uses the uplands for, a single-family dwelling.
3. The bank protection at this location mutually benefits both the public and the Applicant. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
4. Staff is recommending termination of the existing lease and approval of a new lease, to be effective as of the date the Lessee transferred ownership of the uplands.
5. **Termination of Existing General Lease – Recreational and Protective Structure Use:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions 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, sections 15060 (c)(3) and 15378.
6. **Issuance of New General Lease – Recreational and Protective Structure Use:** 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

CALENDAR ITEM NO. C32 (CONT'D)

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.

7. 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 Map
- B. Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE: FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF A NEW GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE: 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. C32 (CONT'D)

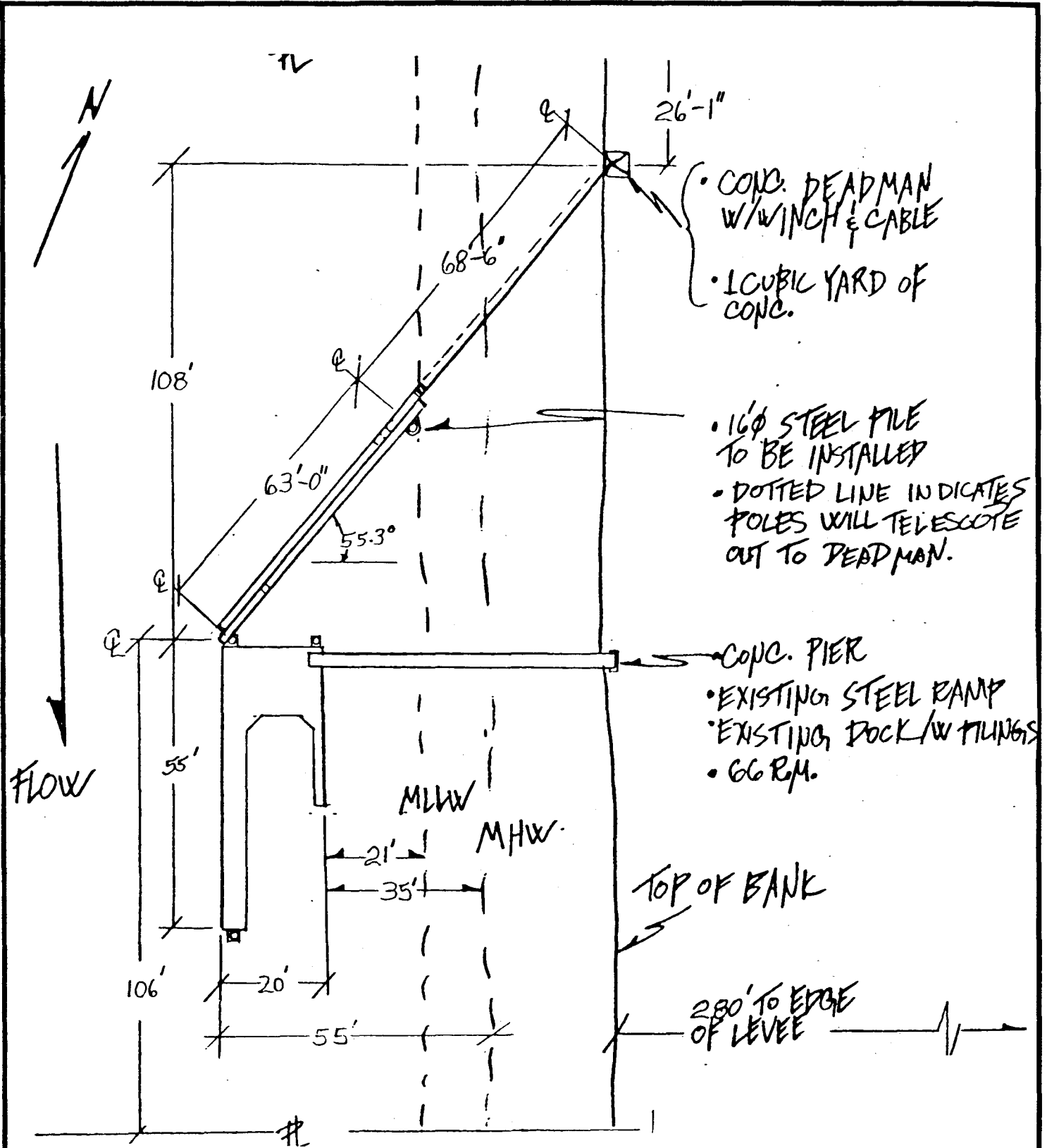
LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370,
ET SEQ.

AUTHORIZATION:

1. AUTHORIZE TERMINATION, EFFECTIVE NOVEMBER 9, 2004, OF LEASE PRC 5697.9, A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE, ISSUED TO MELODIE K. RUFER AND CHRIS J. RUFER, TRUSTEES OF THE MKG TRUST DATED OCTOBER 28, 1988, AND APPROVED BY THE COMMISSION ON JANUARY 29, 1999.

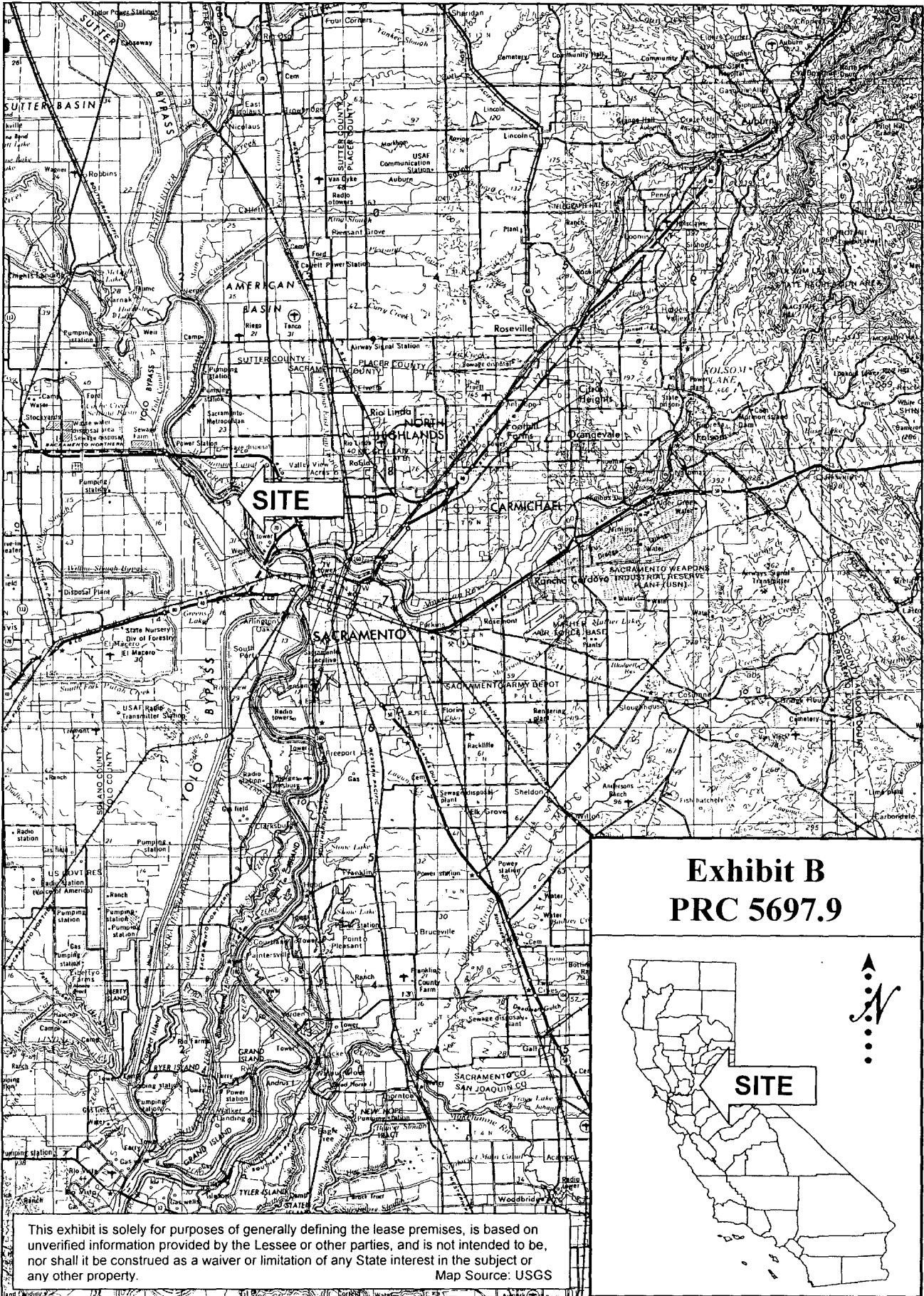
2. AUTHORIZE ISSUANCE TO TOM SOTO OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING SEPTEMBER 26, 2005, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, GANGWAY AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: UNCOVERED FLOATING BOAT DOCK 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 RENTAL 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.

SITE MAP



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 5697.9



SITE

**Exhibit B
PRC 5697.9**

SITE

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.
Map Source: USGS