

MINUTE ITEM
This Calendar Item No. C20 was approved as
Minute Item No. 20 by the California State Lands
Commission by a vote of 3 to 0 at its
12/14/06 meeting.

CALENDAR ITEM
C20

A 8
S 4

12/14/06
WP 7796.1
V. Massey

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Pacific Fruit Farms
P.O. Box 356
Walnut Grove, CA 95690

LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, near Walnut Grove, Sacramento
County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock,
gangway, walkway, six pilings, and the use and maintenance of bank protection
as shown on Exhibit A.

LEASE TERM:

Ten years, beginning September 1, 2004.

CONSIDERATION:

\$165.50 per year; with the State reserving the right to fix a different rent
periodically during the lease term, as provided in the lease.

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 to be in the State's
best interest.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

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2. On November 15, 1994, the Commission authorized a General Lease - Recreational Use to Pacific Fruit Farms. That lease expired on August 31, 2004. The Applicant is now applying for a new General Lease - Recreational and Protective Structure Use. During the interim period, between September 1, 2004, and August 25, 2006, the lease has been in holdover status. The rent is current; no changes have been made to the lease premises. The bank protection has existed at the site for years, but was not under lease. The proposed lease now includes the bank protection.
3. The Applicant does not qualify for a Recreational Pier Lease because the upland property is not improved with a single-family dwelling.
4. 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.
5. **Uncovered Floating Boat Dock, Gangway, Walkway and Six Pilings:** 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.

6. **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 the CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; Title 14, California Code of Regulations, section 15304.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

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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:

UNCOVERED FLOATING BOAT DOCK, GANGWAY, WALKWAY AND SIX PILINGS: 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).

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 PROJECT, CLASS 4, MINOR ALTERATIONS TO LAND; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304.

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 PACIFIC FRUIT FARMS OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING SEPTEMBER 1, 2004, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING

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UNCOVERED FLOATING BOAT DOCK, GANGWAY, WALKWAY, SIX
PILINGS, AND BANK PROTECTION AS SHOWN ON EXHIBIT A
ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF;
ANNUAL RENT IN THE AMOUNT OF \$165.50, 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 \$500,000.

Location Map

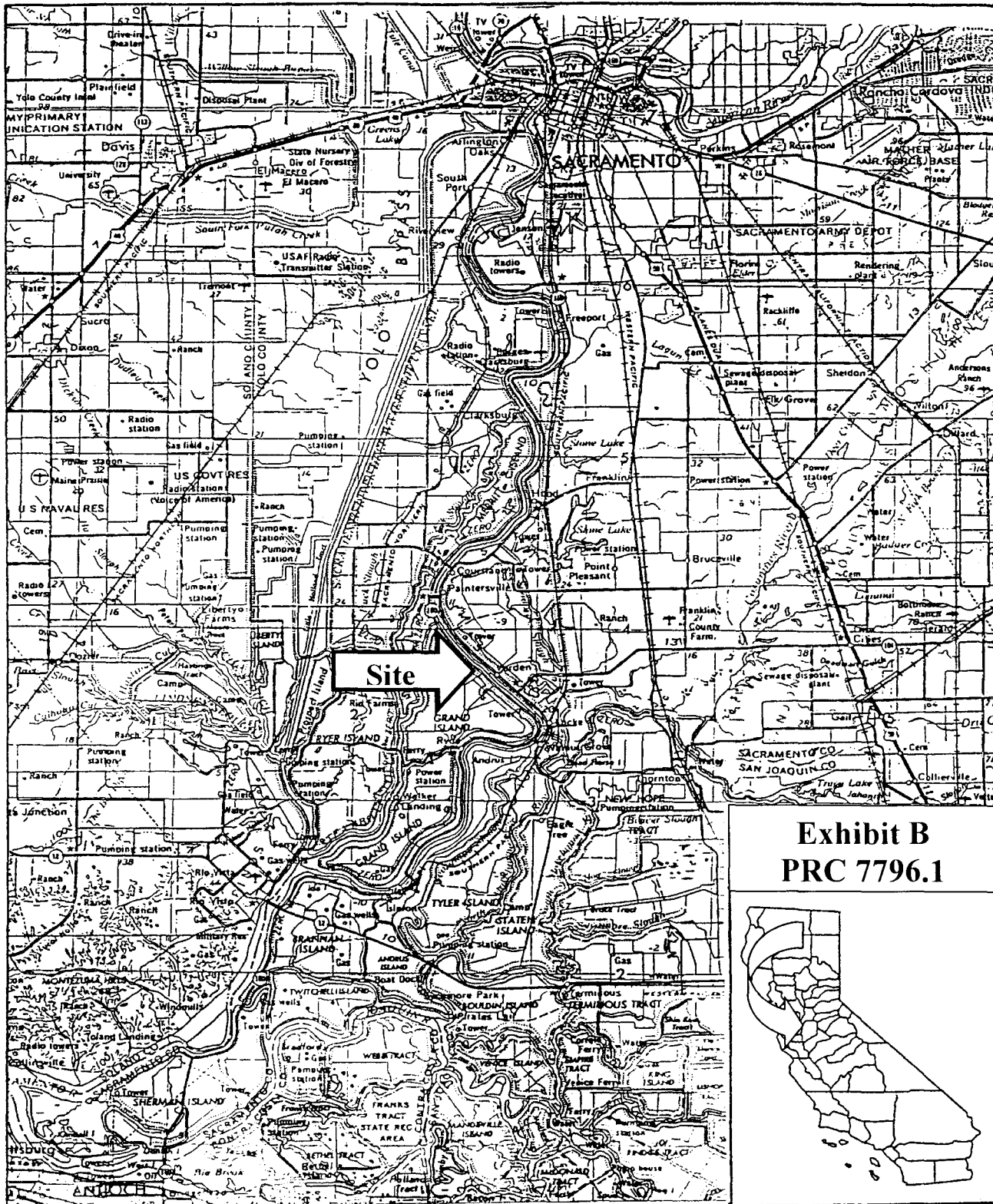


Exhibit B
PRC 7796.1

EXHIBIT CONSTRUCTED FROM USGS QUAD

This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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 other property.