

**CALENDAR ITEM
C37**

A	15, 8		12/14/06
S	14, 5	PRC 4783	WP 4783.1 B. Terry

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE

APPLICANTS:

The Joseph and Suzette Sutton Family Trust UDT June 10, 1996 FBO The Sutton Family, Joseph R. Sutton and Suzette Anne Sutton, Co-Trustees

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, at Long Island, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing fishing pier, a floating boat dock, and bank protection as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning December 1, 2006.

CONSIDERATION:

Fishing Pier: \$50 per year with the State reserving the right to fix a different rent periodically during the lease terms, as provided in the lease.

Floating Boat Dock: No monetary consideration for the floating boat dock 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.

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2. On July 19, 1993, the Commission authorized issuance of a ten-year Recreational Pier Lease to Gerald E. and Thelma V. Martin. That lease has expired. The upland property ownership has since transferred to The Joseph and Suzette Sutton Trust UDT June 10, 1996 FBO The Sutton Family, Joseph R. Sutton and Suzette Anne Sutton, Co-Trustees.
3. The Applicants do not qualify for a rent free fishing pier because it is not designed for the mooring and docking of boats. The Applicants do qualify for a rent free floating boat dock because it is used for the mooring and docking of boats, and because they 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. **Fishing Pier:** 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. **Floating Boat Dock:** 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 under the general rule that 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 significant effect on the environment.

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

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7. **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 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.

8. 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.

APPROVALS OBTAINED:

U. S. Army Corps of Engineers
The Reclamation Board

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

FISHING PIER: 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).

FLOATING BOAT DOCK: 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

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

SIGNIFICANT LANDS INVENTORY FINDING:

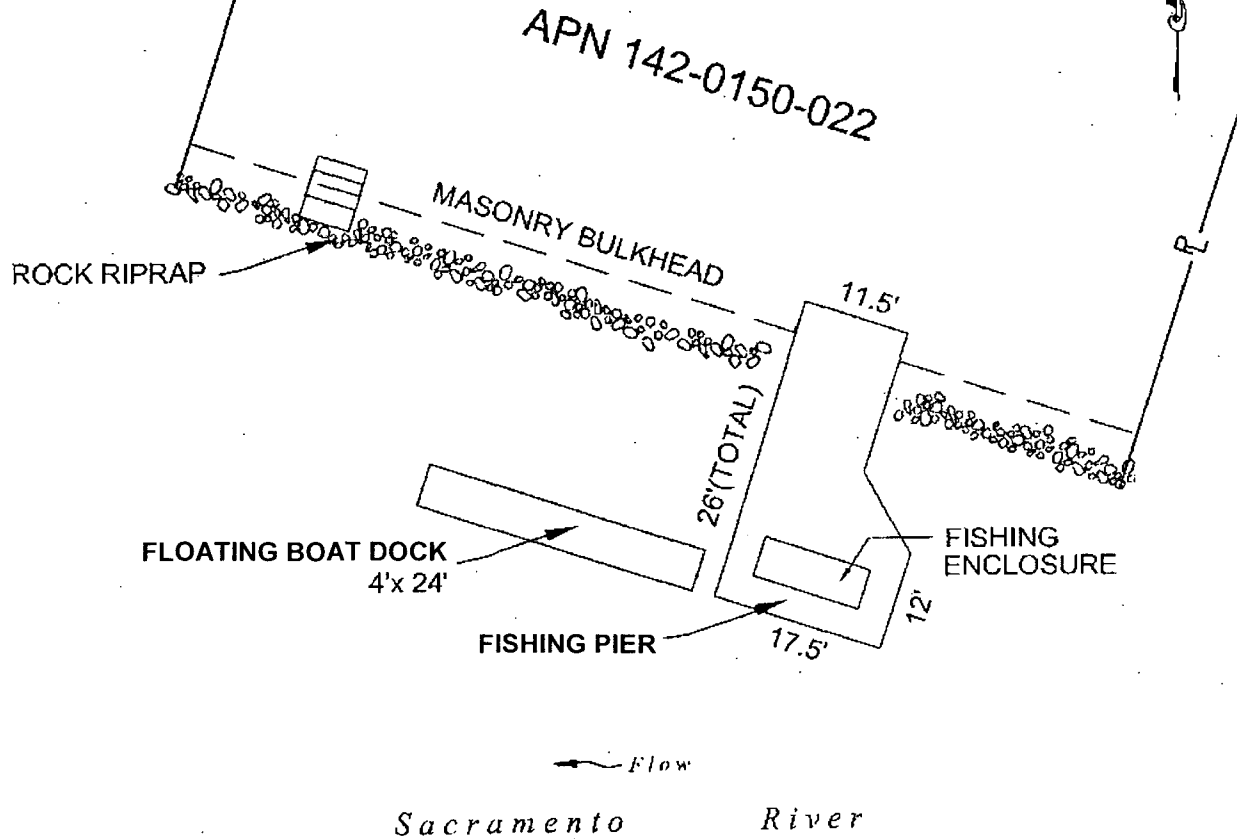
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

AUTHORIZATION:

AUTHORIZE ISSUANCE TO THE JOSEPH AND SUZETTE SUTTON FAMILY TRUST UDT JUNE 10, 1996 FBO THE SUTTON FAMILY, JOSEPH R. SUTTON AND SUZETTE ANNE SUTTON, CO-TRUSTEES, OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING DECEMBER 1, 2006, FOR A TERM OF TEN-YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING FISHING PIER, FLOATING BOAT DOCK, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT FOR THE FISHING PIER IN THE AMOUNT OF \$50, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; NO MONETARY CONSIDERATION FOR THE FLOATING BOAT DOCK PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE BANK PROTECTION IS 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.

NO SCALE

SITE



17456 GRAND ISLAND ROAD, WALNUT GROVE

NO SCALE

LOCATION

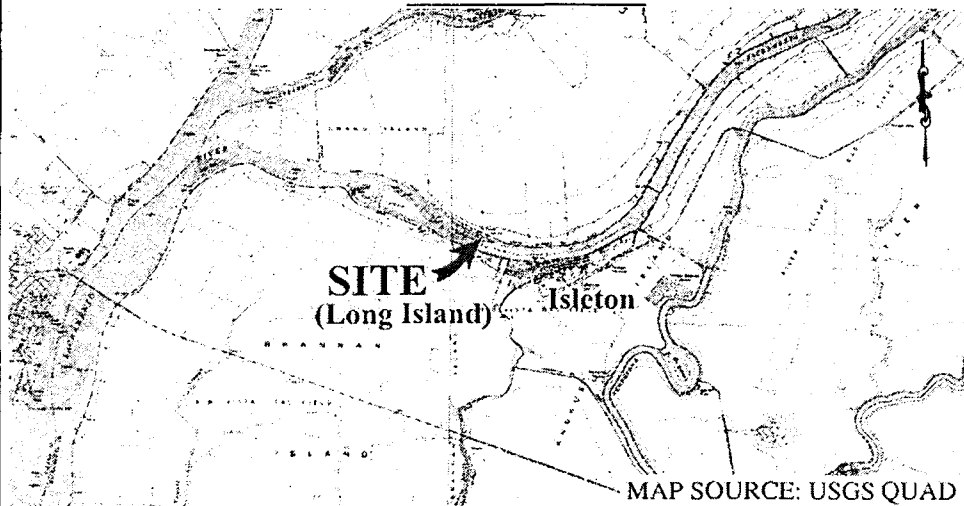


Exhibit A

PRC 4783.1
 SUTTON
 APN 142-0150-022
 GENERAL LEASE-RECREATIONAL
 AND PROTECTIVE STRUCTURE
 SACRAMENTO COUNTY



MJ 10/06

000227

CALENDAR PAGE

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MINUTE PAGE

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.