

**CALENDAR ITEM
C16**

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W 26262

C. Hudson

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Joseph M. Deak and Gretchen W. Deak

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Georgiana Slough adjacent to 451 W. Willow Tree Lane, city of Isleton, Sacramento County.

AUTHORIZED USE:

Retention, use and maintenance of an existing uncovered floating boat dock, boatlift, gangway, three pilings, and bank protection as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning May 5, 2008.

CONSIDERATION:

Uncovered Floating Boat Dock, Boatlift, Gangway, and Three Pilings: 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 upland property adjoining the lease premises.
2. On August 14, 1986, the U.S. Army Corps of Engineers (Corps) issued a permit for the construction of the uncovered floating boat dock, which is located adjacent to the Applicant's upland property. The drawing attached to the Corps permit also acknowledged the existing pilings and bank

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protection. The Applicants did not acquire an interest in the upland property until 2000, but have now submitted an application to retain the existing improvements.

3. The Applicants qualify for rent free use of the uncovered floating boat dock, boatlift, ramp, and three pilings because the Applicants are natural persons who own the littoral land that is improved with a single family dwelling pursuant to Public Resources Code section 6503.5.
4. The bank protection at this location mutually benefits both the public and the Applicant. The bank of Georgiana Slough will have the additional protection from wave action provided at no cost to the public.
5. **Uncovered Floating Boat Dock, Boatlift, Gangway, and Three 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

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 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.

7. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for

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such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, section 2954 is not applicable.

APPROVALS OBTAINED:

U.S. Army Corps of Engineers, the State Reclamation Board and Brannan-Andrus Levee District

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK, BOATLIFT, GANGWAY, AND THREE 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 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

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 OF A TEN-YEAR GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, TO JOSEPH M. DEAK AND GRETCHEN W. DEAK, BEGINNING MAY 5, 2008, FOR AN UNCOVERED FLOATING BOAT DOCK, BOATLIFT, GANGWAY, THREE PILINGS, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO

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MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5 FOR THE UNCOVERED FLOATING BOAT DOCK, BOATLIFT, GANGWAY, AND THREE PILINGS; CONSIDERATION FOR THE 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; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.