

**CALENDAR ITEM
C09**

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S 6

06/24/08
WP 4939.9
V. Caldwell

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

Vicki A. Pfingst, as Trustee of the Vicki A. Pfingst Trust, U.D.T., dated March 3, 1998

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 2521 Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Retention, use, and maintenance of an existing uncovered floating boat dock, piling, dolphin, gangway, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning June 24, 2008.

CONSIDERATION:

Uncovered Floating Boat Dock, Piling, Dolphin, 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 with combined coverage of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On December 21, 1994, the Commission authorized a Recreational Pier Permit to Ted L. Haugum and Joan E. Haugum for an existing uncovered floating boat dock and walkway. That lease expired on December 20, 2004. On April 5, 1999, the Applicant purchased the upland property.

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Due to the poor condition of the dock, in 2003, the dock facilities were removed and reconstructed without prior authorization by the Commission. The bank protection has existed for years, but has not been previously authorized by the Commission. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.

3. The Applicant qualifies for the rent free use of the uncovered floating boat dock, piling, dolphin, and gangway because the Applicant is a natural person who owns the littoral land that is improved with a single-family dwelling pursuant to Public Resources Code Section 6503.5.
4. The bank protection will mutually benefit 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, Piling, Dolphin, and Gangway:** 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 2, Replacement or reconstruction; Title 2, California Code of Regulations, section 2905 (b).

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 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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APPROVALS REQUIRED:

U.S. Army Corps of Engineers, the Reclamation Board, and Sacramento County

EXHIBIT:

A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK, PILING, DOLPHIN, AND GANGWAY: 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 2, REPLACEMENT OR RECONSTRUCTION; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (b).

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:

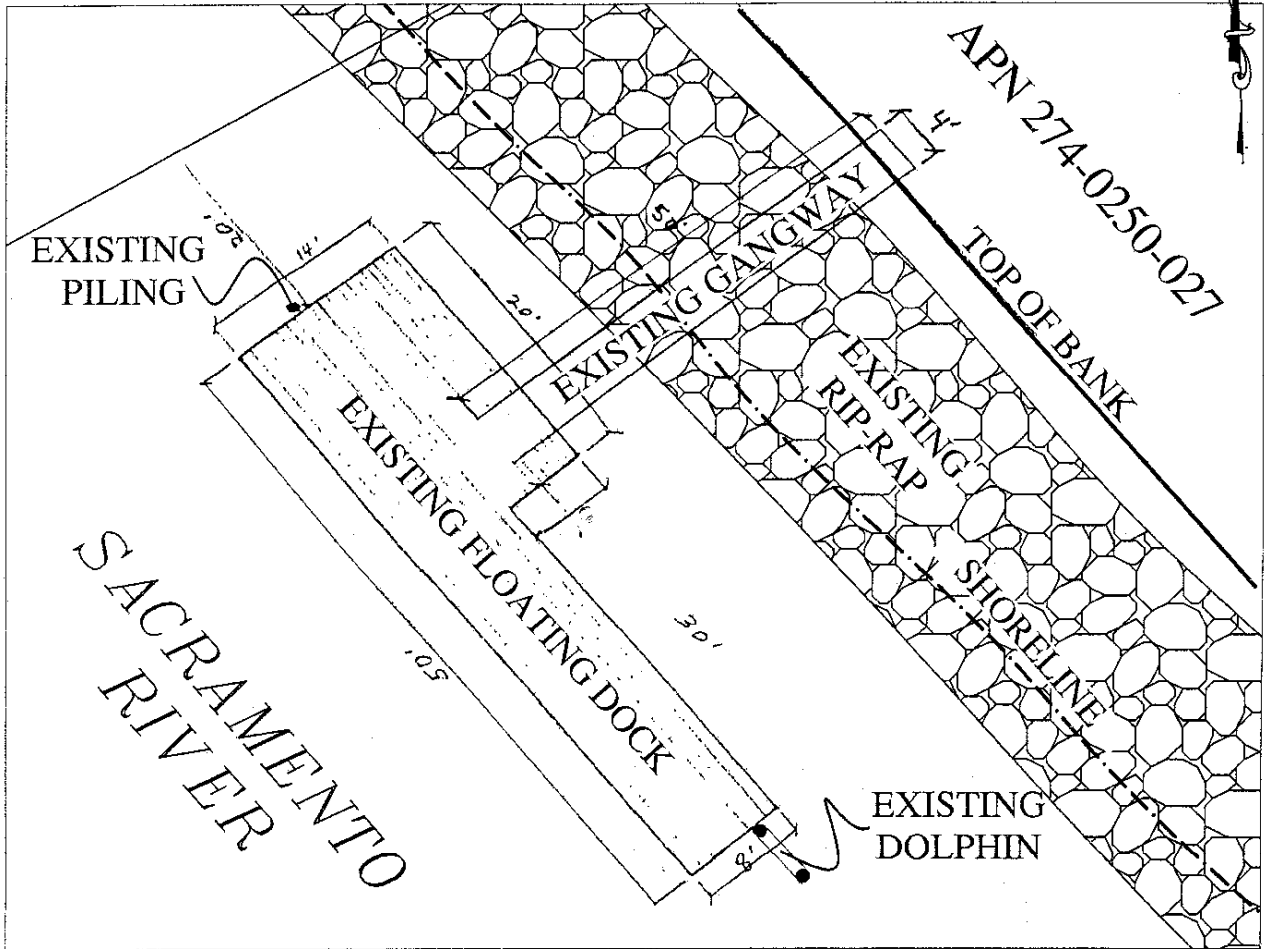
AUTHORIZE ISSUANCE OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE TO VICKI A. PFINGST, AS TRUSTEE OF THE VICKI A. PFINGST TRUST, U.D.T., DATED MARCH 3, 1998, BEGINNING JUNE 24, 2008, FOR A TERM OF TEN YEARS, FOR THE RETENTION, USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, PILING, DOLPHIN, GANGWAY, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK, PILING, DOLPHIN, AND GANGWAY: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE

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SECTION 6503.5; 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.

NO SCALE

SITE



2521 Garden Highway

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 4939.9
 PFINGST
 APN 274-0250-027
 GENERAL LEASE
 RECREATIONAL &
 PROTECTIVE STRUCTURE USE
 SACRAMENTO COUNTY



MJP 3/20/08

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.