

**CALENDAR ITEM  
C10**

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06/24/08  
WP 6038.9  
V. Caldwell

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

**LESSEE/APPLICANT:**

Sean Edward Hutton

**AREA, LAND TYPE, AND LOCATION:**

Sovereign lands in the Sacramento River, adjacent to 2531 Garden Highway, city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Construction of a dock finger to create a single-berth; the replacement and expansion of an existing uncovered floating boat dock, two pilings, dolphin and gangway; and the retention of existing bank protection as shown on Exhibit A.

**LEASE TERM:**

Ten years, beginning June 24, 2008.

**CONSIDERATION:**

Uncovered Floating Boat Dock, Dock Finger, Two Pilings, 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.

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2. On October 20, 2003, the Commission authorized a Recreational Pier Lease to Sean Edward Hutton. That lease expires on December 10, 2010.
3. In 2004, the Applicant reconstructed and expanded the dock facilities including a new uncovered floating boat dock, two pilings, dolphin, and gangway without authorization from the Commission. The bank protection has existed at this site for years; however, it was not previously authorized by the Commission. The Applicant is proposing to add a dock finger to create a single berth dock and has applied for a General Lease – Recreational and Protective Structure Use. Staff is recommending termination of the Recreational Pier Lease and issuance of a General Lease – Recreational and Protective Structure Use.
4. The Applicant qualifies for the rent free use of the uncovered floating boat dock, dock finger, two pilings, 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.
5. 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.
6. **Termination of Lease:** 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, section 15060 (c) (3) and 15378.
7. **Proposed Dock Finger:** 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 14, California Code of Regulations, section 15301.
8. **Uncovered Floating Boat Dock, Two Pilings, 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

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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 14, California Code of Regulations, section 15302

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

9. **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.

10. 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 and The Central Valley Floodway Protection Board

**EXHIBIT:**

- A. Site and Location Map

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**TERMINATION OF LEASE:** 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.

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**PROPOSED DOCK FINGER:** 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 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15301

**UNCOVERED FLOATING BOAT DOCK, TWO PILINGS, 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 AND RECONSTRUCTION; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15302.

**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:**

1. AUTHORIZE TERMINATION OF LEASE NO. PRC 6038.1, A RECREATIONAL PIER LEASE EFFECTIVE JUNE 23, 2008.
2. AUTHORIZE ISSUANCE OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE TO SEAN EDWARD HUTTON, BEGINNING JUNE 24, 2008, FOR A TERM OF TEN YEARS, FOR THE CONSTRUCTION OF A DOCK FINGER; THE REPLACEMENT AND EXPANSION OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, TWO PILINGS, DOLPHIN, AND GANGWAY; AND THE RETENTION OF EXISTING BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING

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BOAT DOCK, DOCK FINGER, TWO PILINGS, DOLPHIN, AND GANGWAY: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE 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.