

**CALENDAR ITEM
C19**

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06/24/08

S 4

WP 5189.1

M. Clark

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANT:

The Bow Corporation, a California Corporation
P.O. Box 1109
Red Bluff, California 96080

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 11705 Parey Avenue, near the city of Red Bluff, Tehama County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating accommodation dock and walkway; and the retention of five existing finger floats, a concrete boat ramp, and bank protection.

LEASE TERM:

Ten years, beginning April 6, 2008.

CONSIDERATION:

Uncovered Floating Accommodation Dock, Five Finger Floats, Walkway, and Concrete Ramp: \$972 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 action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

1. Insurance:
Liability insurance with coverage of no less than \$1,000,000.
2. Bond:
Surety bond in the amount of \$5,000.

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OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On June 14, 1999, the Commission authorized a ten-year General Lease – Recreational Use, to The Bow Corporation, a California Corporation. That lease expired April 5, 2008. The Applicant is now applying for a new General Lease – Recreational and Protective Structure Use.
3. The upland property is improved with a mobile home park. The existing uncovered floating accommodation dock, five finger floats, walkway, and concrete ramp are considered amenities used as recreational facilities solely by the upland mobile home park residents.
4. The Applicant does not qualify for the rent-free use of the uncovered floating accommodation dock, five finger floats, a walkway, and concrete ramp because the Applicant does not own the littoral property as a natural person pursuant to Public Resources Code section 6503.5.
5. The existing bank protection was not previously authorized by the Commission; however, it provides a benefit to the public and the Applicant, as the bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
6. **Uncovered Floating Accommodation Dock and Walkway:** 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.

7. **Retention of Five Existing Finger Floats:** 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

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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.

8. **Retention of an Existing Concrete Ramp and 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 alteration 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.

9. 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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING ACCOMMODATION DOCK AND WALKWAY: 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).

RETENTION OF FIVE EXISTING FINGER FLOATS: 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

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3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

RETENTION OF AN EXISTING CONCRETE RAMP AND 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 ALTERATION 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 THE BOW CORPORATION, A CALIFORNIA CORPORATION, BEGINNING APRIL 6, 2008, FOR A TERM OF TEN YEARS, FOR AN EXISTING UNCOVERED FLOATING ACCOMMODATION DOCK AND WALKWAY; AND THE RETENTION OF FIVE EXISTING FINGER FLOATS, A CONCRETE RAMP, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$972; CONSIDERATION FOR THE BANK PROTECTION: THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND LIABILITY INSURANCE FOR COMBINED SINGLE LIMIT COVERAGE OF NO LESS THAN \$1,000,000 AND SURETY BOND IN THE AMOUNT OF \$5,000.