

**CALENDAR ITEM
C31**

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06/24/08
WP 7181.9
C. Hudson

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Don Springer and Rene Fraga Springer

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River, adjacent to 6931 Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock with a single berth, two ramps, one piling, a two-piling dolphin, and bank protection as shown on the attached Exhibit A.

LEASE TERM:

Ten years, beginning April 12, 2008.

CONSIDERATION:

Uncovered Floating Boat Dock with a Single Berth, Two Ramps, One Piling, and a Two-Piling Dolphin: 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. Applicants own the uplands adjoining the lease premises.
2. On February 27, 1998, the Commission authorized a General Lease - Recreational and Protective Structure Use with Don Springer and Rene Fraga Springer for an existing uncovered floating boat dock, ramp, one

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piling, a two-piling dolphin, and bank protection. That lease expired on April 11, 2008. Shortly after authorizing the lease, the Applicants reconfigured the uncovered floating boat dock and added a single boat berth and an additional ramp. The single boat berth and ramp were approved by the U.S. Army Corps of Engineers on December 21, 1987. The Applicants are now applying for a General Lease – Recreational and Protective Structure Use.

3. The Applicants qualify for the rent free use of the uncovered floating boat dock with a single berth, two ramps, one piling, and a two-piling dolphin 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 will mutually benefit 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. **Uncovered Floating Boat Dock, Two Ramps, One Piling, a Two-Piling Dolphin, 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 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. 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 Flood Protection Board

EXHIBIT:

- A. Site and Location Map

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK WITH A SINGLE BERTH, TWO RAMPS, ONE PILING, A TWO-PILING DOLPHIN, 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 1, EXISTING FACILITIES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (a)(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 DON SPRINGER AND RENE FRAGA SPRINGER BEGINNING APRIL 12, 2008, FOR A TERM OF TEN YEARS, FOR AN EXISTING UNCOVERED FLOATING BOAT DOCK WITH A SINGLE BERTH, TWO RAMPS, ONE PILING, A TWO-PILING DOLPHIN, AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK WITH A SINGLE BERTH, TWO RAMPS, ONE PILING, AND A TWO-PILING DOLPHIN: 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.