

**CALENDAR ITEM
C27**

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S 1, 6

06/28/10
WP 6728.9
M. Clark

GENERAL LEASE – PROTECTIVE STRUCTURE USE

APPLICANT:

Sacramento Waldorf School Association, Inc., a California Nonprofit Public Benefit Corporation

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the American River, adjacent to 3750 Bannister Road, Fair Oaks, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of existing bank protection and retention of additional bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning August 1, 2009.

CONSIDERATION:

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 coverage of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On September 25, 1984, the Commission authorized a 25-year General Lease – Protective Structure Use to the Sacramento Waldorf School Association, Inc., a California Corporation. In 2006, the upland was transferred to the Sacramento Waldorf School Association, Inc., a California Nonprofit Public Benefit Corporation. The lease expired July 31, 2009 and the Applicant has now applied for new General Lease – Protective Structure Use.

CALENDAR ITEM NO. **C27** (CONT'D)

3. The lease premises consist of a strip of land at the bank of the American River which in the past has been subject to scouring and erosion due to heavy rains and high river flows. In 1998, the Applicant received approval by the U.S. Army Corps of Engineers to place additional rock riprap and topsoil fill at a repair site within the lease premises. The 1998 repair work was funded by the Federal Emergency Management Agency but was not previously authorized by the Commission.
4. The bank protection will mutually benefit both the public and the Applicant. The bank of the American River will have the additional protection from wave action provided at no cost to the public.
5. 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 CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alterations to Land; Title 2, California Code of Regulations, section 29058 (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.

6. 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.

EXHIBITS:

- A. Site and Location Map
- B. Land Description

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of 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).

CALENDAR ITEM NO. **C27** (CONT'D)

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:

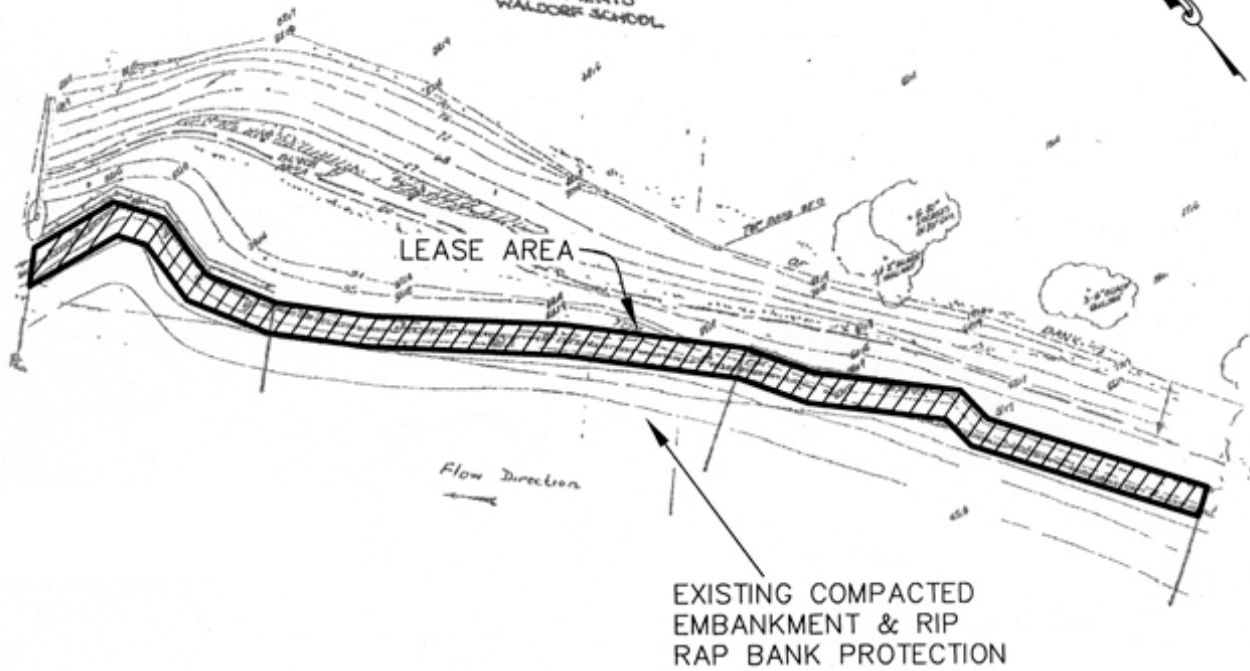
Authorize issuance of a General Lease – Protective Structure Use to the Sacramento Waldorf School Association, Inc., a California Nonprofit Public Benefit Corporation, beginning August 1, 2009, for a term of ten years, for the continued use and maintenance of existing bank protection and the retention of additional bank protection as shown on Exhibit A (for reference purposes only) and as described in Exhibit B attached and by this reference made a part hereof; 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 \$1,000,000.

NO SCALE

SITE

APN 242-0260-015

SACRAMENTO WALDORF SCHOOL



American River

3750 BANNISTER ROAD, FAIR OAKS

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 6728.9
 SACRAMENTO WALDORF
 SCHOOL ASSOCIATION
 APN 242-0260-015
 GENERAL LEASE -
 PROTECTIVE STRUCTURE USE
 SACRAMENTO COUNTY



SITE

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.

EXHIBIT B

WP 6728.9

LAND DESCRIPTION

A strip of submerged land of varying width in the bed of the American River, County of Sacramento, State of California, lying immediately beneath riprap used for bank protection, being approximately 410 feet in length running parallel with and adjacent to the right bank of the American River and being southwesterly of Parcel 1 as said parcel is shown on that map filed for record September 6, 1973 in Book 14 of Parcel Maps, Page 33.

EXCEPTING THEREFROM any portion lying landward of the ordinary low water mark of the American River.

END OF DESCRIPTION

Revised 05/13/2010 by the California State Lands Commission Boundary Unit.

