

**CALENDAR ITEM  
C20**

A 3  
S 4

08/15/14  
PRC 7736.1  
J. Sampson

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Brian A. Fahey and Lauren Kondo

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

Sovereign land in the Sacramento River, adjacent to 10461 Garden Highway, near the city of Sacramento, Sutter County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing single-berth floating boat dock, one piling, one two-pile dolphin, and a gangway.

**LEASE TERM:**

10 years, beginning June 1, 2014.

**CONSIDERATION:**

\$195 per year, with an annual Consumer Price Index adjustment.

**SPECIFIC LEASE PROVISIONS:**

Liability insurance in an amount no less than \$1,000,000 per occurrence.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.
2. On August 17, 2004, the Commission authorized a Recreational Pier Lease to Brian A. Fahey and Lauren Kondo. That lease expired May 31, 2014. The Applicants are now applying for a General Lease – Recreational Use.
3. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

CALENDAR ITEM NO. **C20** (CONT'D)

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

4. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (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 section 6370 et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational Use to Brian A. Fahey and Lauren Kondo beginning June 1, 2014, for a term of 10 years , for the continued use and maintenance of an existing single berth floating boat dock, one piling, one two-pile dolphin, and a gangway as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$195, with an annual Consumer Price Index adjustment; and liability insurance in an amount no less than \$1,000,000 per occurrence.

**EXHIBIT A**

**PRC 7736.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Lot 3 of fractional Section 36, Township 11 North, Range 3 East, MDM, as shown on Official Government Township Plat approved August 5, 1870, County of Sutter, State of California, and more particularly described as follows:

**PARCEL 1 - DOCK**

All those lands underlying an existing floating boat dock, gangway, one (1) piling and one (1) dolphin lying adjacent to that parcel as described in Exhibit A of that Grant Deed recorded June 16, 1998 in Document 199808943 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the Sacramento River.

Accompanying plat is hereby made a part of this description.

**END OF DESCRIPTION**

Prepared June 2, 2014 by the California State Lands Commission Boundary Unit.



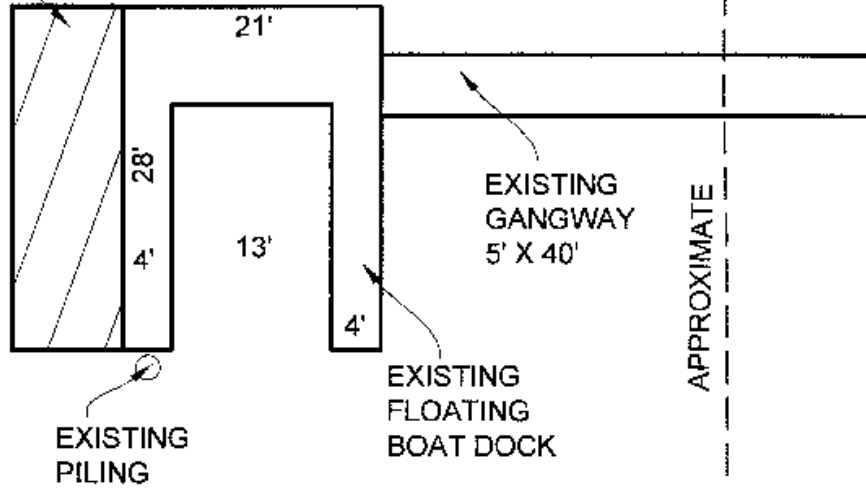
Sacramento River

flow

9' IMPACT AREA

EXISTING DOLPHIN

SHORELINE



APN 035-361-002

### EXHIBIT A

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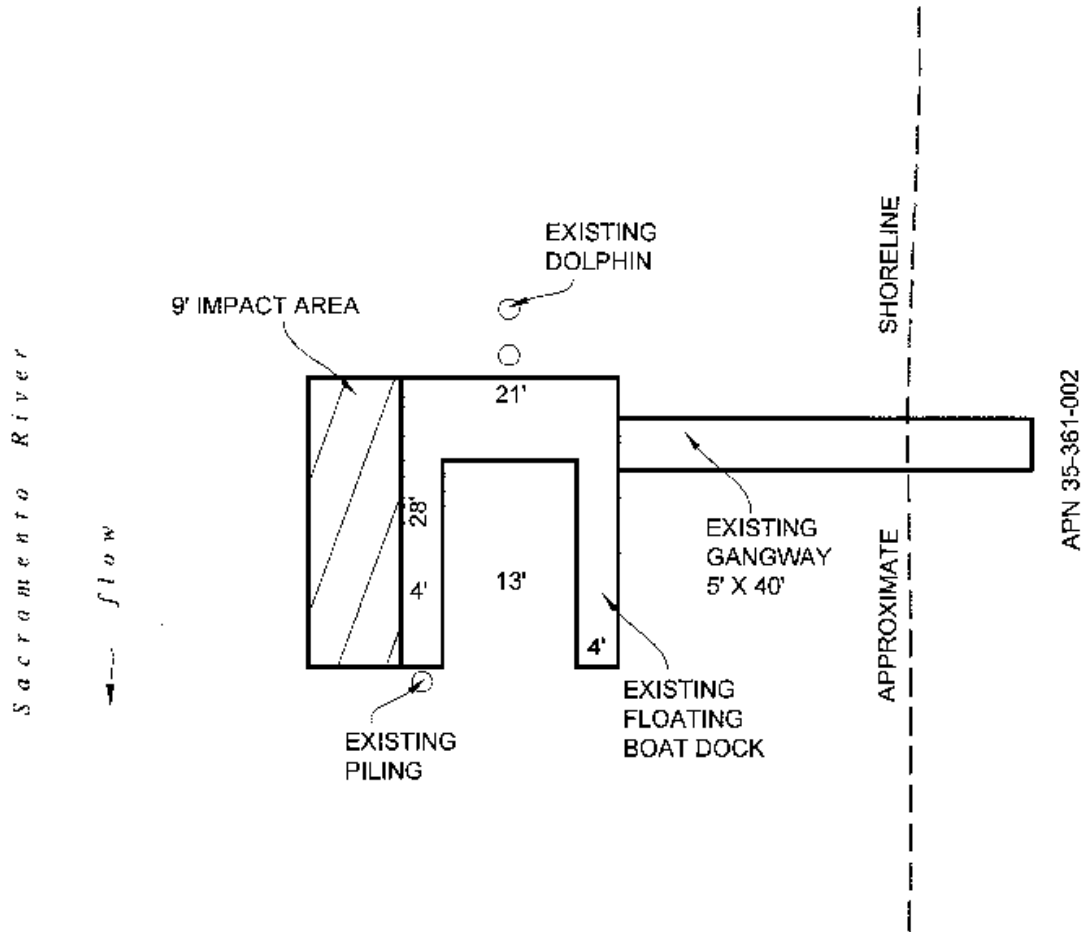
LAND DESCRIPTION PLAT  
PRC 7738.1, FAHEY / KONDO  
SUTTER COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

# SITE



10461 GARDEN HWY. SACRAMENTO

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit B

PRC 7736.1  
 FAHEY / KONDO  
 APN 35-361-002  
 GENERAL LEASE -  
 RECREATIONAL USE  
 SUTTER COUNTY



MDJ 6/02/14

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.