

MINUTE ITEM

This Calendar Item No. 22 was approved as Minute Item No. 22 by the State Lands Commission by a vote of 2 to 0 at its 8/26/76 meeting.

CALENDAR ITEM

22.

8/76
W 21058
ACS
PRO 5177

PROTECTIVE STRUCTURE PERMIT

APPLICANT: Cyril G. Fairley
2313 - 25th Avenue
Sacramento, California 95822

AREA, TYPE LAND AND LOCATION:
A 62' x 211' (.31 acre) parcel of tide and submerged land in the bed of the Sacramento River, Sacramento County.

LAND USE: The construction of rip rap bank protection.

TERMS OF PROPOSED PERMIT:
Initial period: 25 years, from September 1, 1976.

CONSIDERATION: \$192 per annum, with the State reserving the right to fix a different rental on each fifth anniversary of the lease.

BASIS FOR CONSIDERATION:
8% of appraised value of land.

PREREQUISITE TERMS, FEES AND EXPENSES:
Applicant is owner of upland.

Filing fee and Environmental costs have been received.

STATUTORY AND OTHER REFERENCES:
A. Public Resources Code: Div. 6, Parts 1 & 2.
B. Administrative Code: Title 2, Div. 3, Arts. 1, 2, 10 & 11.

OTHER PERTINENT INFORMATION:
1. During the circulation of an Initial Study for this project, the County of Sacramento objected to the issuance of a permit for this project. The County's objection was not based on environmental considerations but on a possibility that the County may wish to acquire this property at some future date. Staff feels that the County's objection has no validity to the environmental issues on the project.
2. This project is situated on State land identified as environmentally significant, pursuant to Public Resources Code 6370.1,

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CALENDAR ITEM NO. 22. (CONTD)

and is classified in a significant use category, Class B: Limited Use. The project is determined to be a compatible use consistent with identified significant environmental values in that agencies which nominated this area as possessing environmentally significant values were contacted during the initial study and they expressed no objections to this project.

3. A Negative Declaration was prepared by the Division pursuant to CEQA and implementing regulations.

EXHIBITS: A. Land Description. B. Location Map.
 C. Negative Declaration.

IT IS RECOMMENDED THAT THE COMMISSION:

1. DETERMINE THAT AN ENVIRONMENTAL IMPACT REPORT HAS NOT BEEN PREPARED FOR THIS PROJECT BUT THAT A NEGATIVE DECLARATION HAS BEEN PREPARED BY THE DIVISION.
2. CERTIFY THAT THE NEGATIVE DECLARATION #198, HAS BEEN COMPLETED IN COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT OF 1970, AS AMENDED, AND THE STATE GUIDELINES, AND THAT THE COMMISSION HAS REVIEWED AND CONSIDERED THE INFORMATION CONTAINED THEREIN.
3. DETERMINE THAT THE PROJECT WILL NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.
4. FIND THAT GRANTING OF THE APPLICATION WILL HAVE NO SIGNIFICANT EFFECT UPON ENVIRONMENTAL CHARACTERISTICS IDENTIFIED PURSUANT TO SECTION 6370.1 ET SEQ., OF THE PUBLIC RESOURCES CODE
5. AUTHORIZE ISSUANCE TO CYRIL G. FAIRLEY OF A 25-YEAR PROTECTIVE STRUCTURE PERMIT, FROM SEPTEMBER 1, 1976; IN CONSIDERATION OF ANNUAL RENT IN THE AMOUNT OF \$192 PER ANNUM, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENTAL ON EACH FIFTH ANNIVERSARY OF THE LEASE; FOR THE CONSTRUCTION OF RIP RAP BANK PROTECTION ON THE LAND DESCRIBED ON EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF.

Attachment: Exhibit "A"

EXHIBIT "A"

W 21058

A parcel of submerged land in the State owned bed of the Sacramento River, Sacramento County, California, situated adjacent to Section 7, T9N, R4E, M.D.M., more particularly described as follows:

BEGINNING at the most northerly corner of the Cyril G. Fairley land described in deed recorded in Book 7411-20 at Page 71, Sacramento County records; thence S 54° 22' 30" W, 211 feet to the most westerly corner of said Fairley land; thence along the southwesterly line of said Fairley land and the southeasterly extension thereof, S 35° 37' 30" E, 389.3 feet; thence N 53° 09' 15" E, 211.05 feet to a point on the southeasterly extension of the northeasterly line of said Fairley land; thence along said southeasterly extension and said northeasterly line of the Fairley land, N 35° 37' 30" W, 384.84 feet to the point of beginning.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of the Sacramento River.

END OF DESCRIPTION

Prepared R. L. Blala Checked DM McKinn
Reviewed J. J. Zunnacker Date 2/19/76