

MINUTE ITEM
This Calendar Item No. C37
was approved as Minute Item
No. 37 by the State Lands
Commission by a vote of 3
to 0 at its 9-19-00
meeting.

CALENDAR ITEM
C37

A 8
S 4

September 19, 2000
WP 5914.9
F. Singer

GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE

LESSEE:

Phillip Michael Sherry and Betty Jane Sherry
4385 Cordero Drive
El Dorado Hills, California 95762

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Steamboat Slough, near Walnut Grove, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing 6 foot by 55 foot floating boat dock, a 2.5 foot by 20 foot walkway, and rip-rap.

LEASE TERM:

Ten years, beginning October 30, 2000.

CONSIDERATION:

As to the floating boat dock and walkway: No monetary consideration pursuant to Public Resources Code § 6503.5.

As to the 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:

Insurance:

Combined single limit coverage of no less than \$300,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

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2. On October 30, 1990, the Commission executed a Recreational Pier Lease with Phillip M. Sherry and Betty J. Sherry. That lease will expire on October 29, 2000. The previous lease did not include the existing bank protection. Lessee is now applying for a new General Lease - Recreational and Protective Structure Use.
3. As to the floating 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).
4. As to the 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 14, California Code of Regulations, section 15304.

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

5. 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

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

CALENDAR ITEM NO. **C37** (CONT'D)

AS TO THE FLOATING 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).

AS TO THE BANK PROTECTION, FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15601 AS A CATEGORICALLY EXEMPT PROJECT, CLASS 4, MINOR ALTERATION TO LAND; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304.

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 TO PHILLIP MICHAEL SHERRY AND BETTY JANE SHERRY OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING OCTOBER 30, 2000, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING FLOATING BOAT DOCK, WALKWAY, AND RIP-RAP ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; AS TO THE FLOATING DOCK AND WALKWAY, NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE § 6503.5; AS TO THE 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; LIABILITY INSURANCE WITH COVERAGE OF NO LESS THAN \$300,000.

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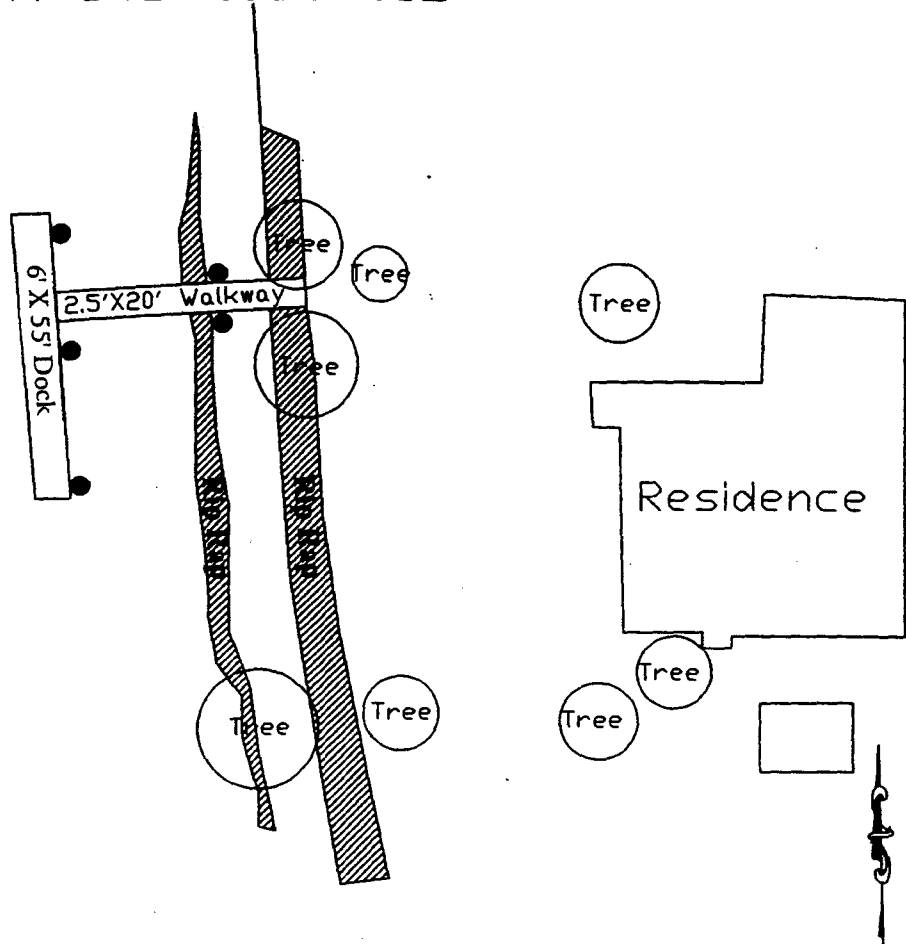
CALENDAR PAGE

MINUTE PAGE **0009189**

NO SCALE

APN 142-0160-012

Steamboat Slough



13980 Grand Island Road, Sacramento County

NO SCALE

LOCATION MAP

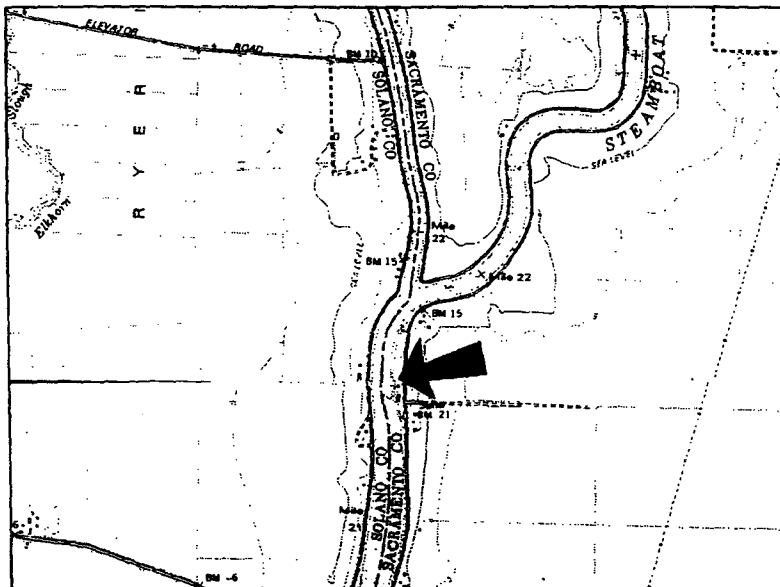


Exhibit A WP 5914

RPL
Walkway & Dock
Sacramento
County



This Exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver of limitation of any state interest in the subject or any other property.

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MINUTE PAGE **000490**