

MINUTE ITEM
This Calendar Item No. 54 was approved as
Minute Item No. 54 by the California State Lands
Commission by a vote of 3 to 0 at its
10/6/04 meeting.

MINUTE ITEM
54

10/06/04
PRC 8545 W 25974
T. Lipscomb

PATRICK STEPHEN TULLY AND WENDY MAE TULLY
(APPLCANTS)

Calendar item 54: Staff made a presentation to the Commission regarding a pier lease on the Sacramento River. The item was approved by a 3-0.

001822

MINUTE PAGE

CALENDAR ITEM

54

A 5

10/06/04

S 6

W 25974

T. Lipscomb

**GENERAL LEASE –
PROTECTIVE STRUCTURE AND RECREATIONAL USE**

APPLICANTS:

Patrick Stephen Tully and Wendy Mae Tully

AREA, LAND TYPE, AND LOCATION:

Tide and submerged lands in the Sacramento River, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Construction, use, and maintenance of a proposed floating boat dock, and walkway, and the use and maintenance of bank protection.

LEASE TERM:

Ten years, beginning October 1, 2004.

CONSIDERATION:

Boat Dock and Walkway: No monetary consideration pursuant to Public Resources Code section 6503.5.

Bank Protection:

The public 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.

CALENDAR ITEM NO. 54 (CONT'D)

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$500,000.

Other:

No construction is to commence and no structures or material shall be placed on state lands until copies of all necessary permits are provided to Lessor, including, but not limited to, permits from the California Regional Water Quality Control Board, the U.S. Army Corps of Engineers, the U.S. Fish and Wildlife Service and NOAA Fisheries Biological Opinions, if applicable and a signed copy of the agreement with the California Department of Fish and Game.

OTHER PERTINENT INFORMATION:

1. Applicants qualify for a rent-free boat dock and walkway because the applicants are natural persons who have improved the littoral land with, and use the upland, for a single-family dwelling.
2. The bank protection at this location mutually benefits both the public and the applicant. The bank of the River will have the additional protection from wave action provided at no cost to the public.
3. **Boat 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 3, New Construction of Small Structures; Title 2, California Code of Regulations, section 2905 (c)(1).

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

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 Alterations to Land; Title 14, California Code of Regulations, section 15304

CALENDAR ITEM NO. 54 (CONT'D)

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

4. 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:

The Reclamation Board.

FURTHER APPROVALS REQUIRED:

California Regional Water Quality Control Board, California Department of Fish and Game, U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service and NOAA Fisheries.

EXHIBITS:

- A. Site Plan
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

September 19, 2004

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

BOAT 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, AS A CATEGORICALLY EXEMPT PROJECT, CLASS 3, NEW CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

CALENDAR ITEM NO. 54 (CONT'D)

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 4, MINOR ALTERATIONS TO LAND; TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15304.

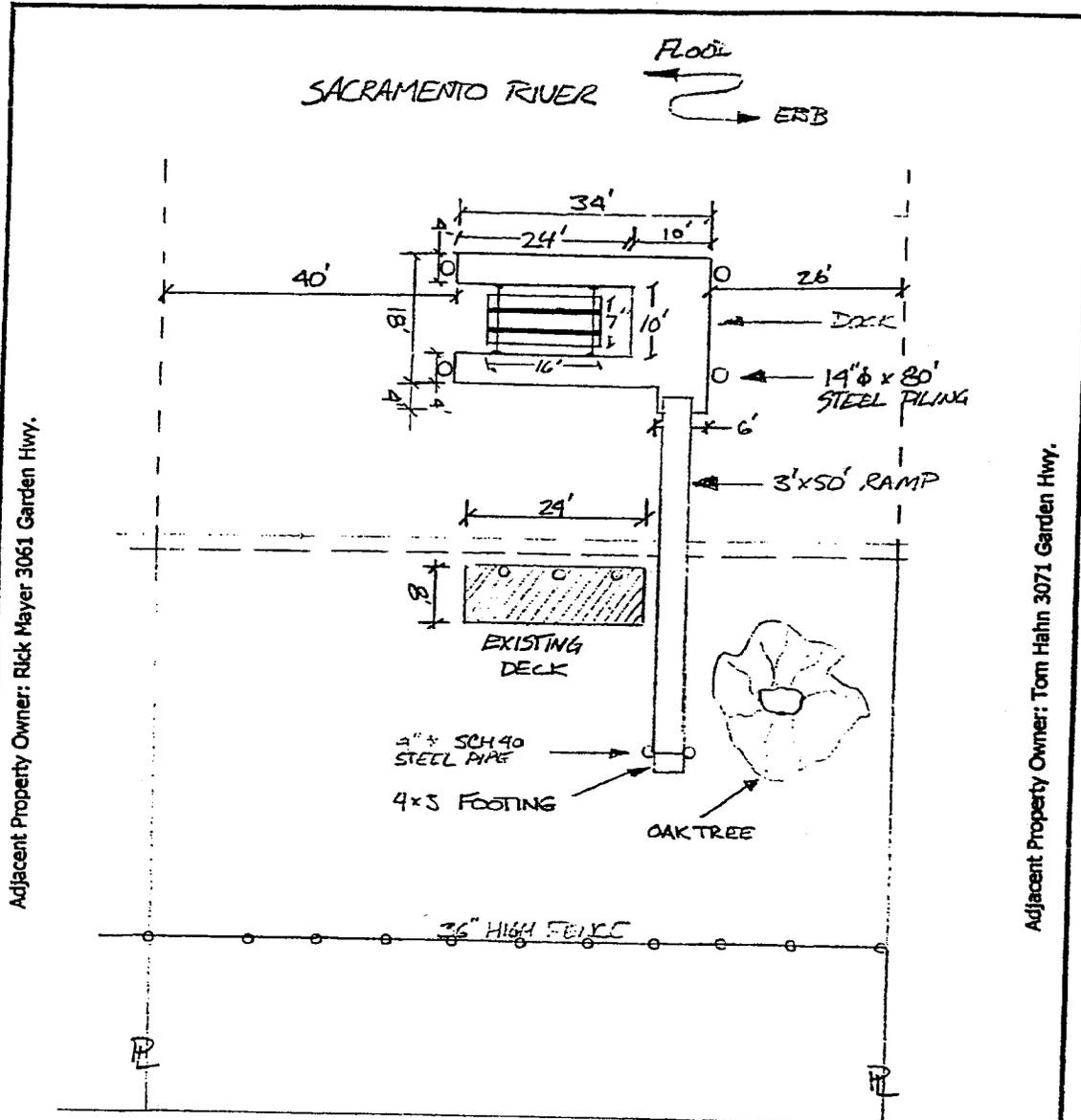
SIGNIFICANT LANDS INVENTORY FINDING:

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 PATRICK STEPHEN TULLY AND WENDY MAE TULLY, OF A TEN-YEAR GENERAL LEASE – PROTECTIVE STRUCTURE AND RECREATIONAL USE, AS CONDITIONED, BEGINNING OCTOBER 1, 2004, FOR THE CONSTRUCTION, USE, AND MAINTENANCE OF A NEW BOAT DOCK, AND WALKWAY, AND THE USE AND MAINTENANCE OF BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF;
CONSIDERATION: BOAT DOCK AND WALKWAY: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; BANK PROTECTION: THE PUBLIC 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 IN THE AMOUNT OF NO LESS THAN \$500,000.

Site Plan



Site Plan 1" = 20'

West Coast Docks, Inc. PO Box 712 Walnut Grove, Ca 95690 Attn: J.B. Morais 916-776-4447 Ph 776-1901 Fax	Project: Private Residential Dock for Patrick Tully APN: 225-0200-009-0000	Date: Jan. 10, 2004
	Location: 3067 Garden Highway Sacramento, Ca 95833 Sacramento County Sacramento River	DATUM: NGVD
		Sheet: 2 of 3

This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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 other property.

W 25974 Exhibit A
 Sacramento County
 APN: 225-0200-009

Location Map

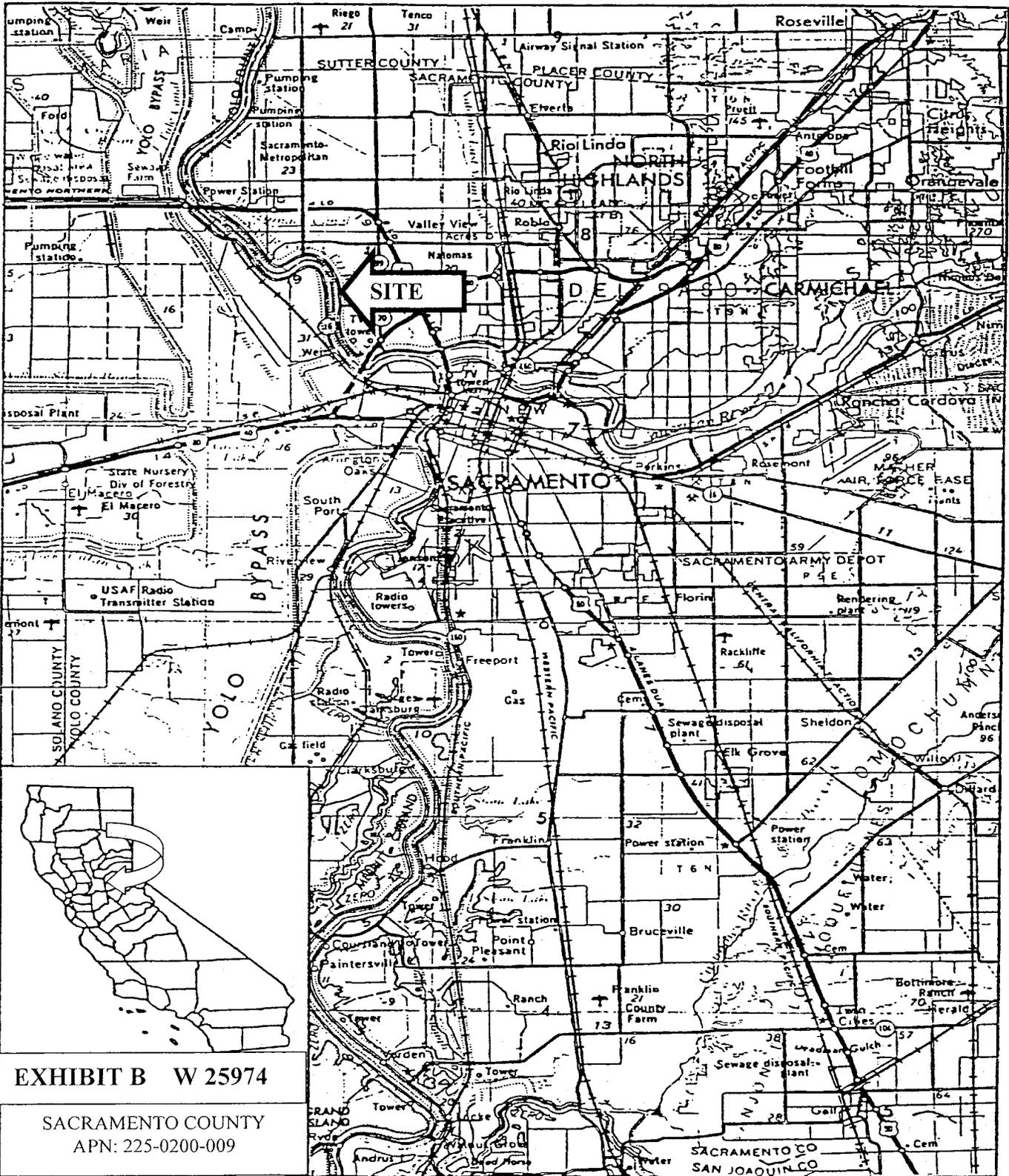


EXHIBIT B W 25974

SACRAMENTO COUNTY
APN: 225-0200-009

EXHIBIT CONSTRUCTED FROM USGS QUAD

This exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by 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 other property.