

MINUTE ITEM
This Calendar Item No. C27 was approved as
Minute Item No. 27 by the California State Lands
Commission by a vote of 3 to 0 at its
12/9/04 meeting.

**CALENDAR ITEM
C27**

A 02,05

12/9/04

PRC 5949

WP 5949.9

S 04,06

J. McComas

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

APPLICANT:

Christopher C. Fogarty and Melissa A. Fogarty

AREA, LAND TYPE, AND LOCATION:

Tide and submerged lands in the Sacramento River, adjacent to the Garden Highway, city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of a floating boat dock, steel ramp, 3-pile dolphin, a single piling and bank protection.

LEASE TERM:

Ten years, beginning January 1, 2005.

CONSIDERATION:

Floating boat dock, steel ramp,
3-pile dolphin and a single
piling:

No monetary consideration pursuant to Public Resources Code section 6503.5.

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 to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

Liability insurance with combined coverage no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.

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2. On November 7, 1997, the Commission issued a General Lease-Recreational and Protective Structure Use to Christopher C. Fogarty and Melissa A. Fogarty for a catwalk, ramp, floating boat dock, 3-pile dolphin, a single piling and bank protection. That lease will expire on December 31, 2004. The project was not completed as approved. The catwalk and a portion of the riprap were not constructed and the floating boat dock was modified and repositioned as it relates to the steel ramp. Christopher C. Fogarty and Melissa A. Fogarty are now applying for a new General Lease - Protective Structure and Recreational Use. Applicants qualify for a rent - free floating boat dock, steel ramp, 3-pile dolphin and a single piling because the applicants are natural persons who have improved the upland with, and use the upland for, a single-family dwelling.
3. The bank protection at this location mutually benefits both the public and the applicant. The bank protection of the River will have the additional protection from wave action provided at no cost to the public.
4. 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).

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 process, it is the staff's opinion that the project, as proposed, is consistent with its use classification.

APPROVALS OBTAINED:

U. S. Army Corps of Engineers.

CALENDAR ITEM NO. C27 (CONT'D)

EXHIBITS:

- A. Site Map
- B. Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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).

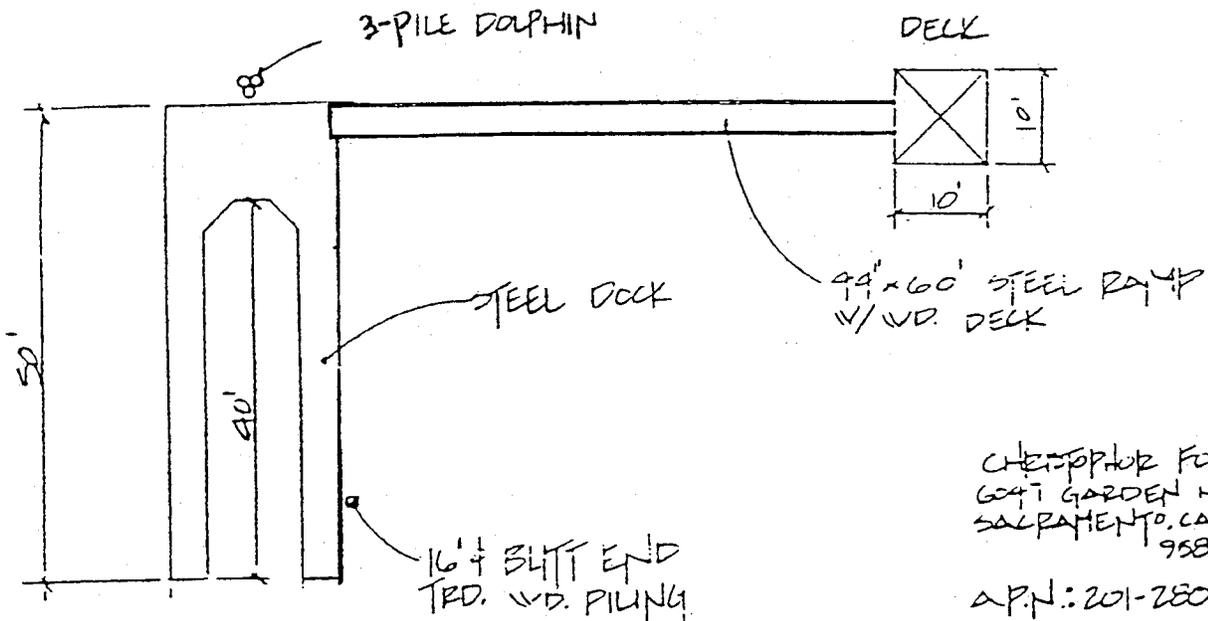
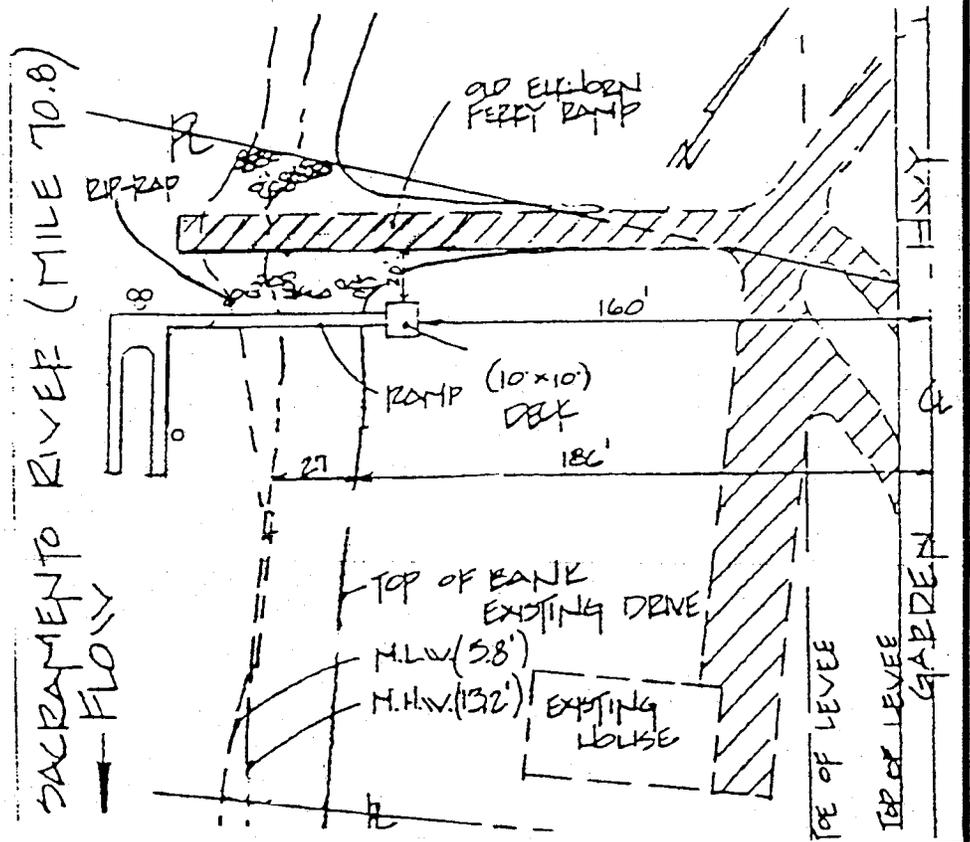
SIGNIFICANT LANDS INVENTORY FINDING:

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 CHRISTOPHER C. FOGARTY AND MELISSA A. FOGARTY OF A GENERAL LEASE - PROTECTIVE STRUCTURE AND RECREATIONAL USE, BEGINNING JANUARY 1, 2005, FOR A TERM OF TEN YEARS, FOR A FLOATING BOAT DOCK, STEEL RAMP, 3-PILE DOLPHIN, A SINGLE PILING AND BANK PROTECTION AS REPRESENTED ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION - FLOATING BOAT DOCK, STEEL RAMP, 3-PILE DOPHIN AND A SINGLE PILING: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE 6503.5; 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 IN THE COMBINED AMOUNT OF NOT LESS THAN \$500,000.

SITE

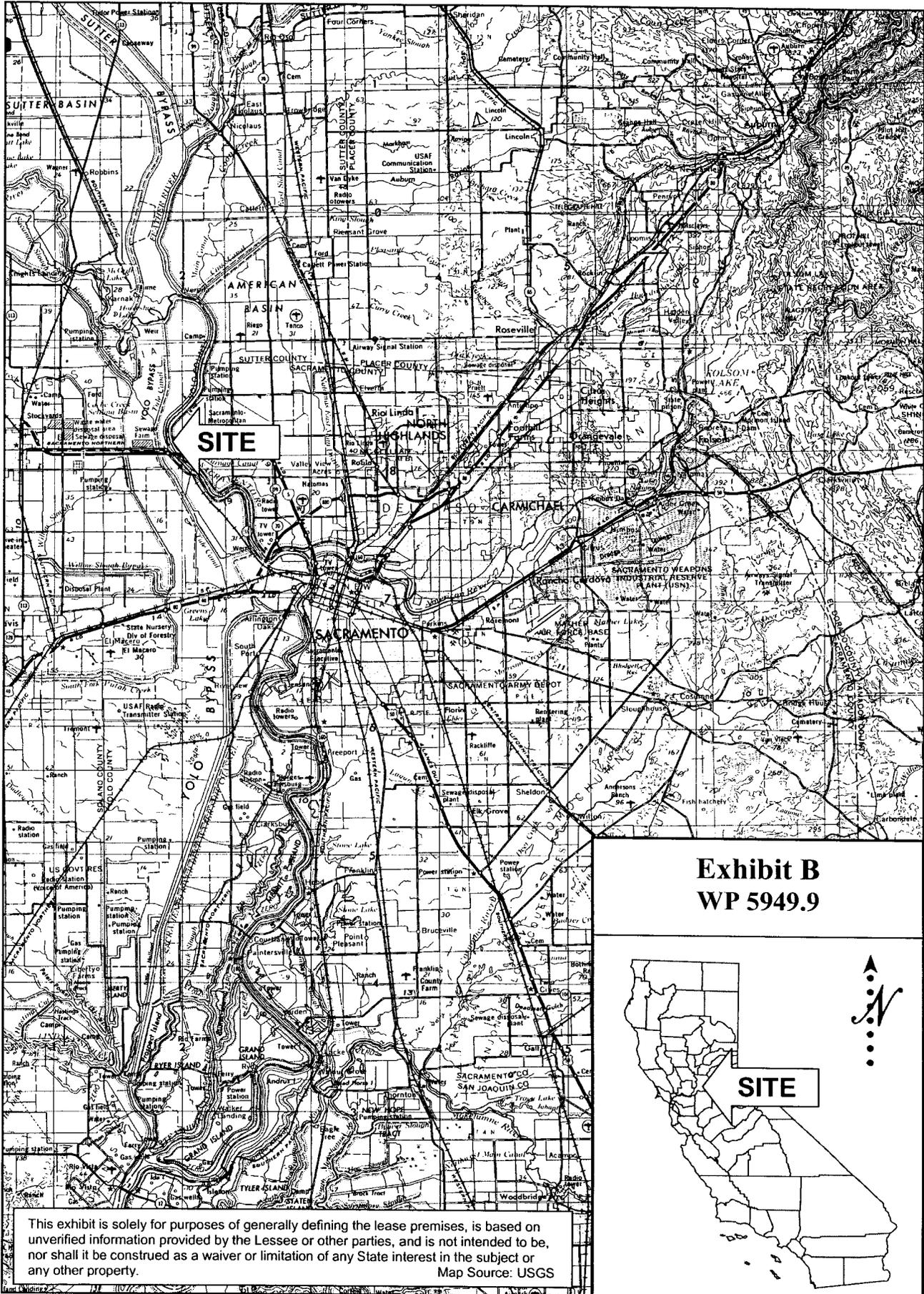


CHERRYL FOGARTY
 6047 GARDEN HWY.
 SACRAMENTO, CA.
 95837

A.P.N.: 201-280-10

This exhibit is solely for purposes of generally defining the leased 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 other property.

EXHIBIT A
WP 5949.9



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