

MINUTE ITEM

This Calendar Item No. ~~C35~~ was approved as Minute Item No. 35 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

**CALENDAR ITEM
C35**

A	15		04/17/06
		PRC 7694	WP 7694.9
S	5, 31		V. Massey

**TERMINATION OF GENERAL LEASE - RECREATIONAL USE
AND ISSUANCE OF NEW GENERAL LEASE - RECREATIONAL
AND PROTECTIVE STRUCTURE USE**

LESSEES:

Ronald L. and Gay A. Giles, trustees of the Ronald L. and Gay A. Giles 1996 revocable trust.

APPLICANTS:

Ronald L. Giles and Gay A. Giles

AREA, LAND TYPE, AND LOCATION:

0.15 acres, more or less, of sovereign lands in Georgiana Slough, near Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing two-berth uncovered floating boat dock and gangway, previously authorized by the Commission, and bank protection not previously authorized by the Commission as shown on Exhibit A.

LEASE TERM:

Ten years, beginning April 1, 2006.

CONSIDERATION:

Two-berth uncovered floating boat dock and gangway: 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 coverage in an amount of no less than \$500,000.

CALENDAR ITEM NO. C35 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On April 24, 2001, the Commission authorized a General Lease - Recreational Use with Ronald L. Giles and Gay A. Giles, Trustees of the Ronald L. Giles and Gay A. Giles 1996 Revocable Trust. Ronald L. Giles and Gay A. Giles have taken the property out of the trust and have constructed a single-family dwelling and now qualify for a rent-free uncovered boat dock and gangway pursuant to Public Resources Code section 6503.5.
3. The bank protection at this location mutually benefits both the public and the Applicants. The bank of Georgiana Slough will have the additional protection from wave action provided at no cost to the public.
4. **Two-Berth Uncovered Floating Boat Dock and Gangway:**
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. **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 2, California Code of Regulations, section 2905 (d)(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.

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6. This activity involves lands which have NOT been identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. However, the Commission has declared that all tide and submerged lands are "significant" by nature of their public ownership (as opposed to "environmentally significant"). Since such declaration of significance is not based upon the requirements and criteria of Public Resources Code sections 6370, et seq., use classifications for such lands have not been designated. Therefore, the finding of the project's consistency with the use classification as required by Title 2, California Code of Regulations, and Section 2954 is not applicable.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TWO-BERTH UNCOVERED FLOATING BOAT DOCK AND GANGWAY:

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).

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 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(2).

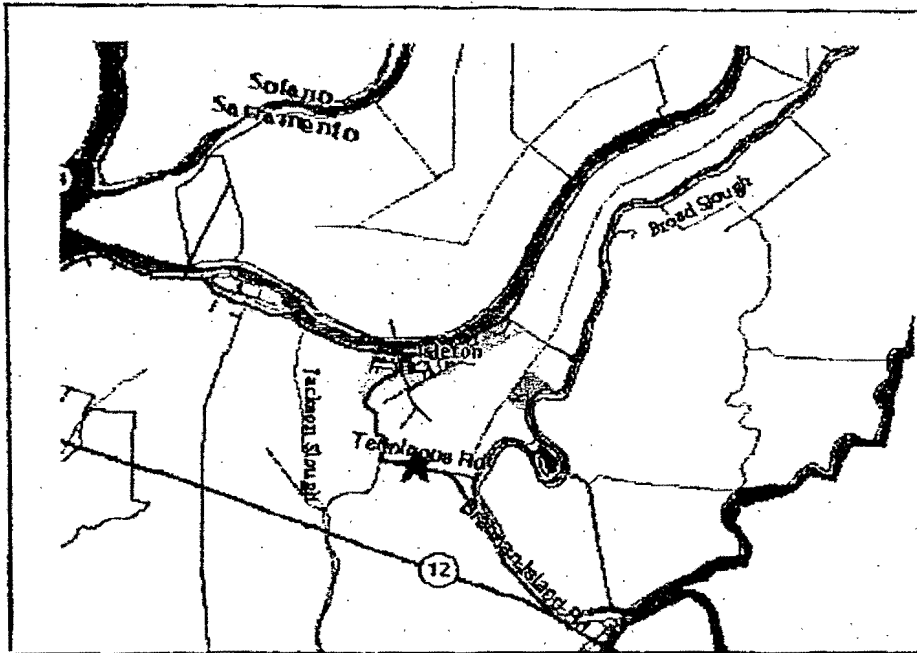
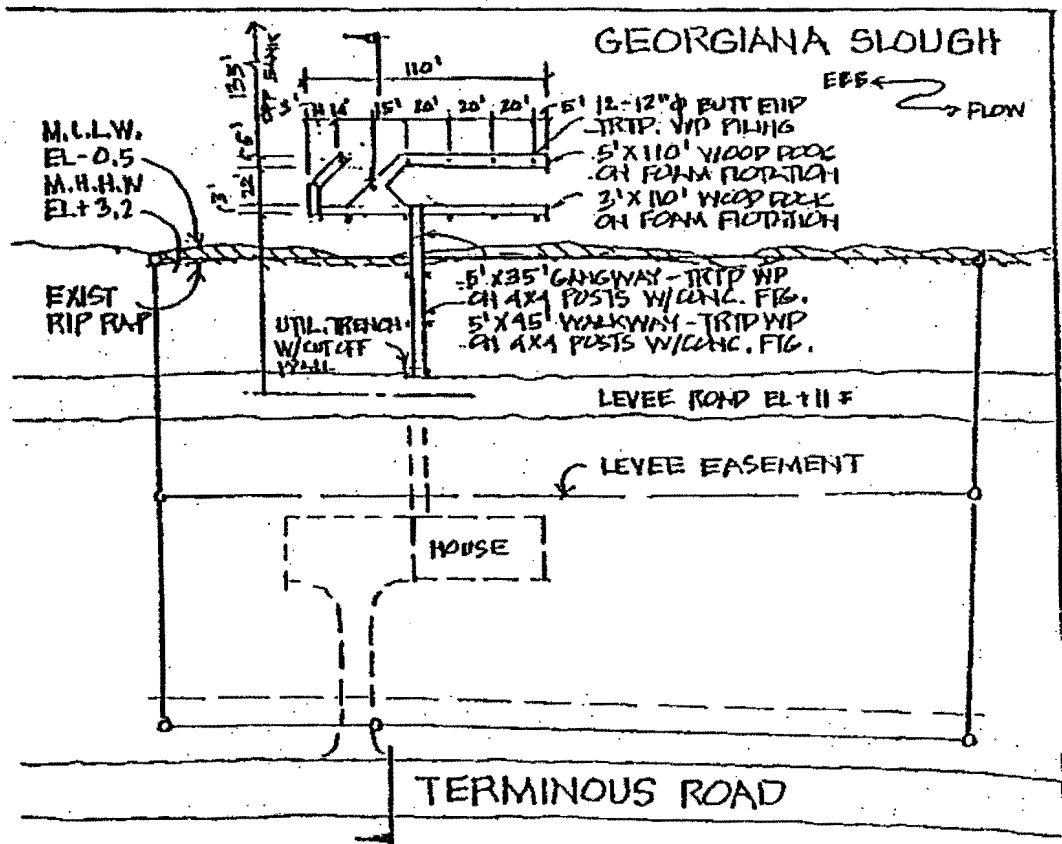
AUTHORIZATION:

1. AUTHORIZE TERMINATION OF GENERAL LEASE – RECREATIONAL USE PRC 7694.1 EFFECTIVE MARCH 31, 2006.
2. AUTHORIZE ISSUANCE TO RONALD L. GILES AND GAY A. GILES OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING APRIL 1, 2006,

CALENDAR ITEM NO. C35 (CONT'D)

FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING TWO-BERTH UNCOVERED FLOATING BOAT DOCK AND GANGWAY AND THE USE AND MAINTENANCE OF BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: TWO-BERTH UNCOVERED FLOATING BOAT DOCK AND GANGWAY 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 RENTAL 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



Location Map

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.

Exhibit A
PRC 7694.9