

This Calendar Item No. C37 was approved as Minute Item No. 37 by the California State Lands Commission by a vote of 3 to 0 at its 4-17-06 meeting.

CALENDAR ITEM
C37

A 5, 9

04/17/06

S 6

PRC 5612

WP 5612.9

V. Massey

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

LESSEE:

Thomas A. Treacy

APPLICANTS:

Michael A. Mariani and Christopher A. Mariani

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Sacramento River adjacent to the Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

The continued use and maintenance of an existing uncovered floating boat dock, walkway and bank protection previously authorized by the Commission as shown on Exhibit A.

LEASE TERM:

Ten years, beginning April 1, 2006.

CONSIDERATION:

Uncovered floating boat dock and walkway: 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 action to be in the State's best interest.

SPECIFIC LEASE PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.

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2. On April 24, 2001, the Commission authorized a ten-year General Lease - Recreational and Protective Structure Use to Thomas A. Treacy. That lease will expire on September 18, 2010. The upland property ownership has since transferred from Thomas A. Treacy to Michael A. Mariani and Christopher A. Mariani. Applicants wish to terminate the existing lease and are now applying for a new General Lease - Recreational and Protective Structure Use. Applicants qualify for a rent free boat dock and walkway because they are natural persons who have improved the littoral land with, and use the upland, for a single-family dwelling.
3. The bank protection at this location mutually benefits both the public and the Applicants. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
4. **Lease Termination:**
Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

New General Lease:

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

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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.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

LEASE TERMINATION:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3) BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

NEW GENERAL LEASE:

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:

1. AUTHORIZE TERMINATION OF GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, PRC 5612.9, EFFECTIVE APRIL 1, 2006.
2. AUTHORIZE ISSUANCE TO MICHAEL A. MARIANI AND CHRISTPOHER A. MARIANI OF A GENERAL LEASE - RECREATIONAL AND PROTECTIVE STRUCTURE USE, BEGINNING APRIL 1, 2006, FOR A TERM OF TEN YEARS, FOR

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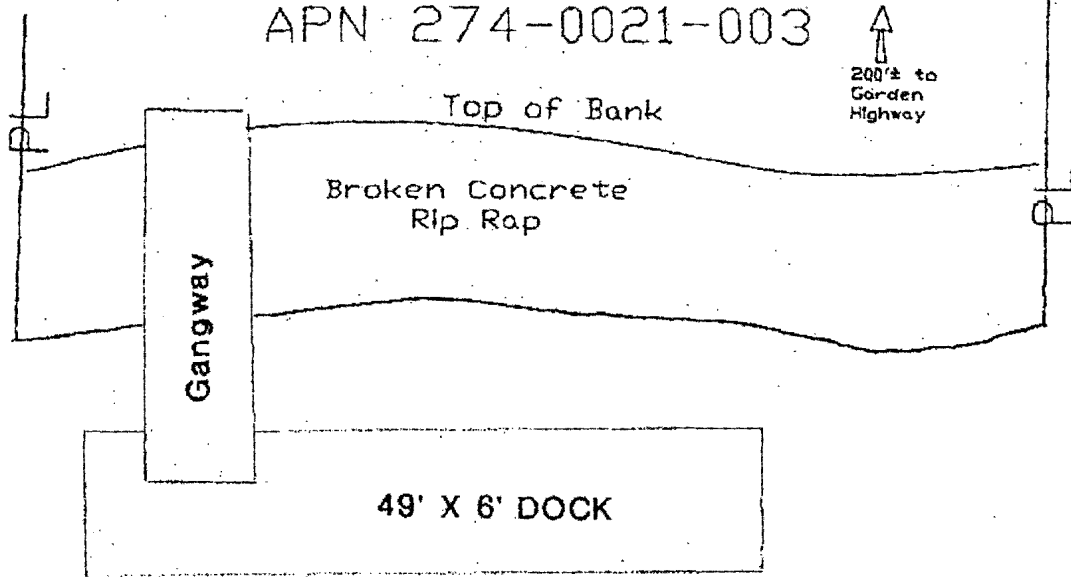
CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, WALKWAY, AND BANK PROTECTION, AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: UNCOVERED FLOATING BOAT DOCK AND WALKWAY: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 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 Map and Location Map

NO SCALE

APN 274-0021-003

200'± to
Garden
Highway

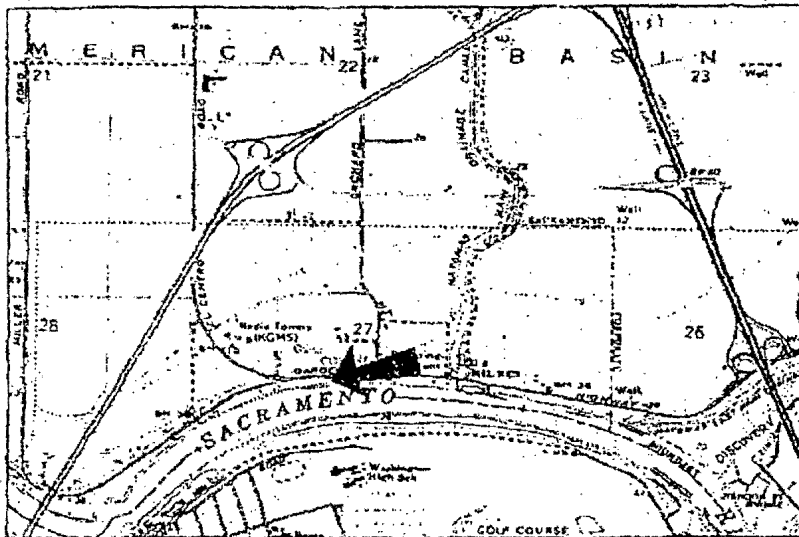


Sacramento River

1841 Garden Highway, Sacramento

NO SCALE

LOCATION MAP



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.

Exhibit A
PRC 5612.9

Recreation and Protective
Structure Use
Sacramento County



000160

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VLM 03/08/2006