

**CALENDAR ITEM
C14**

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12/03/08
WP 5601.9
M. Clark

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Cote Reese and Carole Reese, Trustees of The Reese Revocable Intervivos Trust dated April 30, 1999

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the San Joaquin River, adjacent to 641 West Brannan Island Road, near the town of Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, two ramps, four pilings, and the retention of existing bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning November 27, 2008

CONSIDERATION:

Uncovered Floating Boat Dock, Gangway, and Four Pilings: 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 in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On December 16, 1998, the Commission authorized a Recreational Pier Lease to the Stanley and Ruby Reeves Family Trust. That lease expired November 26, 2008. In 2000, several successive transfers of the upland

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property resulted in the upland property being deeded to Cote Reese and Carole Reese, Trustees of The Reese Revocable Intervivos Trust dated April 30, 1999. The Applicants have applied for a new General Lease – Recreational and Protective Structure Use.

3. The Applicants qualify for the rent free use of the uncovered floating boat dock, two ramps, and four pilings because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling pursuant to Public Resources Code 6503.5.
4. The existing bank protection was not previously authorized by the Commission; however, it provides a benefit to the Applicants and the Public, as the bank of the San Joaquin River will have the additional protection from wave action provided at no cost to the public.
5. **Uncovered Floating Boat Dock, Two Ramps, and Four Pilings:** 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.

6. **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.

7. 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.

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EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

UNCOVERED FLOATING BOAT DOCK, TWO RAMPS, AND FOUR PILINGS: 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).

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 OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE TO COTE REESE AND CAROLE REESE, TRUSTEES OF THE REESE REVOCABLE INTERVIVOS TRUST DATED APRIL 30, 1999, BEGINNING NOVEMBER 27, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN UNCOVERED FLOATING BOAT DOCK, TWO RAMPS, FOUR PILINGS AND THE RETENTION OF EXISTING BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK, TWO RAMPS, AND FOUR PILINGS: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE BANK PROTECTION: THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY

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RENT IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; AND LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$1,000,000.