

**CALENDAR ITEM
C24**

A 8, 15

10/22/09
WP 5696.9

S 5, 14

M. Clark

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

David H. Johnson and Jeane P. Johnson, Trustees of the David H. and Jeane P. Johnson 2001 Family Trust, dated September 18, 2001 and James S. Johnson

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in Steamboat Slough, adjacent to 13990 Grand Island Road, near the town of Walnut Grove, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock gangway, landing, walkway, eight pilings, and bank protection as shown on Exhibit A.

LEASE TERM:

Ten years, beginning July 17, 2009.

CONSIDERATION:

Uncovered Floating Boat Dock, Gangway, Landing, Walkway, and Eight 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 3, 1999, the Commission authorized a General Lease-Recreational and Protective Structure Use to James S. Johnson,

CALENDAR ITEM NO. **C24** (CONT'D)

David H. Johnson, and Jeane P. Johnson. In 2001, David H. Johnson and Jean P. Johnson transferred their interest in the upland to David H. Johnson and Jeane P. Johnson, Trustees of the David H. and Jeane P. Johnson 2001 Family Trust, dated September 18, 2001. That lease expired July 16, 2009. The Applicants have applied for a new General Lease – Recreational and Protective Structure Use.

3. Applicants qualify for the rent-free use of the uncovered floating boat dock, gangway, landing, walkway, and eight pilings because they are natural persons who own the littoral land that is improved with a single-family dwelling.
4. The bank protection will mutually benefit both the public and the Applicants. The bank of Steamboat Slough will have the additional protection from wave action provided at no cost to the public.
5. 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. 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.

EXHIBIT:

- A. Site and Location Map

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

CALENDAR ITEM NO. **C24** (CONT'D)

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 OF A GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE TO DAVID H. JOHNSON AND JEANE P. JOHNSON, TRUSTEES OF THE DAVID H. AND JEANE P. JOHNSON 2001 FAMILY TRUST, DATED SEPTEMBER 18, 2001, AND JAMES S. JOHNSON, BEGINNING JULY 17, 2009, FOR A TERM OF TEN YEARS, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, GANGWAY, LANDING, WALKWAY, EIGHT PILINGS AND BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE UNCOVERED FLOATING BOAT DOCK, GANGWAY, LANDING, WALKWAY, AND EIGHT 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 RENTAL 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.