

**CALENDAR ITEM
C14**

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GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

James Thorpe White and Jennie Darsie White, Trustee of the River House Trust dated July 2, 2009

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the San Joaquin River, adjacent to 18650 Sherman Island East Levee Road, near the town of Isleton, Sacramento County.

AUTHORIZED USE:

Construction, use and maintenance of an uncovered floating boat dock with slip, gangway, electrical and water conduits, six pilings, concrete landing, and bank protection as shown on Exhibit A.

LEASE TERM:

10 years, beginning December 10, 2010.

CONSIDERATION:

Uncovered Floating Boat Dock with Slip, Gangway, Electrical and Water Conduits, Six Pilings, and Concrete Landing: 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. Applicants have applied to construct an uncovered floating boat dock with slip, gangway, electrical and water conduits, six pilings, and concrete

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landing, and install bank protection. In-water construction will include the use of a work boat with a crane barge to install the six pilings. The uncovered floating boat dock with slip and gangway will be preassembled on the upland and set into the waterway. Upland construction will include trenching the levee for the installation of a 10-inch diameter conduit case to transport electricity and water onto sovereign land.

3. Applicants qualify for the rent-free use of the uncovered floating boat dock with slip, gangway, electrical and water conduits, six pilings, and concrete landing 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 the San Joaquin River will have additional protection from wave action provided at no cost to the public.
5. **Uncovered Floating Boat Dock With Slip, Gangway, Electrical and Water Conduits, Six Pilings, and Landing:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303.

Authority: Public Resources Code section 21084 and Title 14, California Code of Regulations, section 15300.

6. **Bank Protection:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alternations 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 section 6370, et seq., but such activity will not affect those significant lands. Based upon staff's consultation with the persons nominating such lands and through

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

APPROVALS OBTAINED:

Reclamation District 341

FURTHER APPROVAL REQUIRED:

U.S. Army Corps of Engineers, NOAA Fisheries, U.S. Fish and Wildlife Service, California Department of Fish and Game, Central Valley Flood Protection Board, Regional Water Quality Control Board, Sacramento County Encroachment Permit

EXHIBIT:

A. Site and Location Map

PERMIT STREAMLINING ACT DEADLINE:

February 27, 2011

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Uncovered Floating Boat Dock with Slip, Gangway, Electrical and Water Conduits, Six Pilings, and Landing: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 3, New Construction of Small Structures; Title 14, California Code of Regulations, section 15303.

Bank Protection: Find that the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section 15061 as a categorically exempt project, Class 4, Minor Alteration 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 James Thorpe White and Jennie Darsie White, Trustee of the River House Trust dated July 2, 2009, beginning December 10, 2010, for a term of 10 years, for construction, use and maintenance of an

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uncovered floating boat dock with slip, gangway, electrical and water conduits, six pilings, concrete landing, and bank protection as shown on Exhibit A attached and by this reference made a part hereof; consideration for the existing uncovered floating boat dock with slip, gangway, electrical and water conduits, six pilings, and concrete landing: 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.