

**CALENDAR ITEM
C24**

A 11
S 3

12/17/14
W 26790
V. Caldwell

**GENERAL LEASE – RECREATIONAL AND
PROTECTIVE STRUCTURE USE**

APPLICANT:

Charles W. Hernandez and Nancy Hernandez

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Steamboat Slough, adjacent to 3428 Snug Harbor Drive, on Ryer Island, near Walnut Grove, Solano County.

AUTHORIZED USE:

Use and maintenance of an existing uncovered floating boat dock, two wood pilings, gangway, deck, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning December 17, 2014

CONSIDERATION:

Uncovered Floating Boat Dock, Two Wood Pings, Gangway, and Deck:
\$125 per year, with an annual Consumer Price Index adjustment.

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 interests.

SPECIFIC LEASE PROVISIONS:

Liability insurance in an amount no less than \$1,000,000 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. The existing dock facilities have existed at this location for many years, and were constructed prior to the Applicants' ownership of the upland. While the existing dock facilities have not been previously authorized by

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

the Commission, staff believes they are not inconsistent with the common law Public Trust Doctrine; therefore, staff recommends authorization of these facilities. The Applicants are now applying for a General Lease – Recreational and Protective Structure Use.

3. The bank protection will mutually benefit both the public and the Applicants. The bank of Steamboat Slough will have additional protection for the river channel from wave action provided at no cost to the public.
4. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (CEQA) as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

Authority: Public Resources Code section 21084 and California Code of Regulations, Title 14, section 15300 and California Code of Regulations, Title 2, section 2905.

5. 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 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.

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (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 section 6370 et seq.

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

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Charles W. Hernandez and Nancy Hernandez beginning December 17, 2014, for a term of 10 years, for the use and maintenance of an existing uncovered floating boat dock, two wood pilings, gangway, deck, and bank protection not previously authorized by the Commission, as described on Exhibit A and shown on Exhibit B (for reference purposes only), attached and by this reference made a part hereof; consideration for the existing uncovered floating boat dock, two wood pilings, gangway, and deck: \$125 per year with an annual Consumer Price Index adjustment; consideration for the 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 interests; and liability insurance in an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

W 26790

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Steamboat Slough, lying adjacent to Swamp and Overflowed Land Survey 544 patented October 17, 1878, County of Solano, State of California and more particularly described as follows:

All those lands underlying an existing uncovered floating boat dock, gangway, two pilings and deck lying adjacent to that parcel described in Quitclaim Deed, recorded March 11, 2009 in Document No. 200900017752 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

ALSO TOGETHER WITH all those lands lying immediately beneath any existing bank protection structure adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of said Steamboat Slough.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 10/03/14 by the California State Lands Commission Boundary Unit



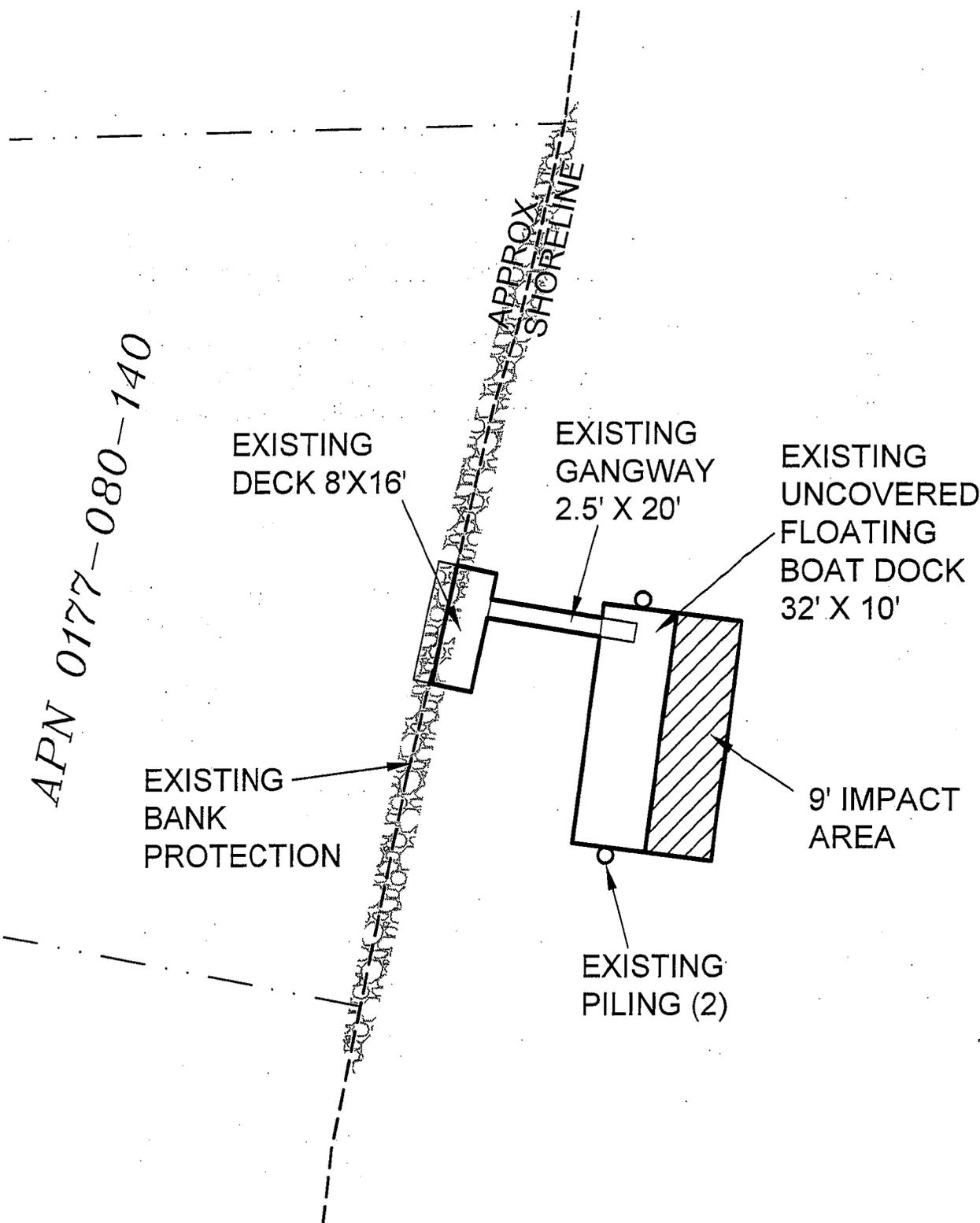


EXHIBIT A

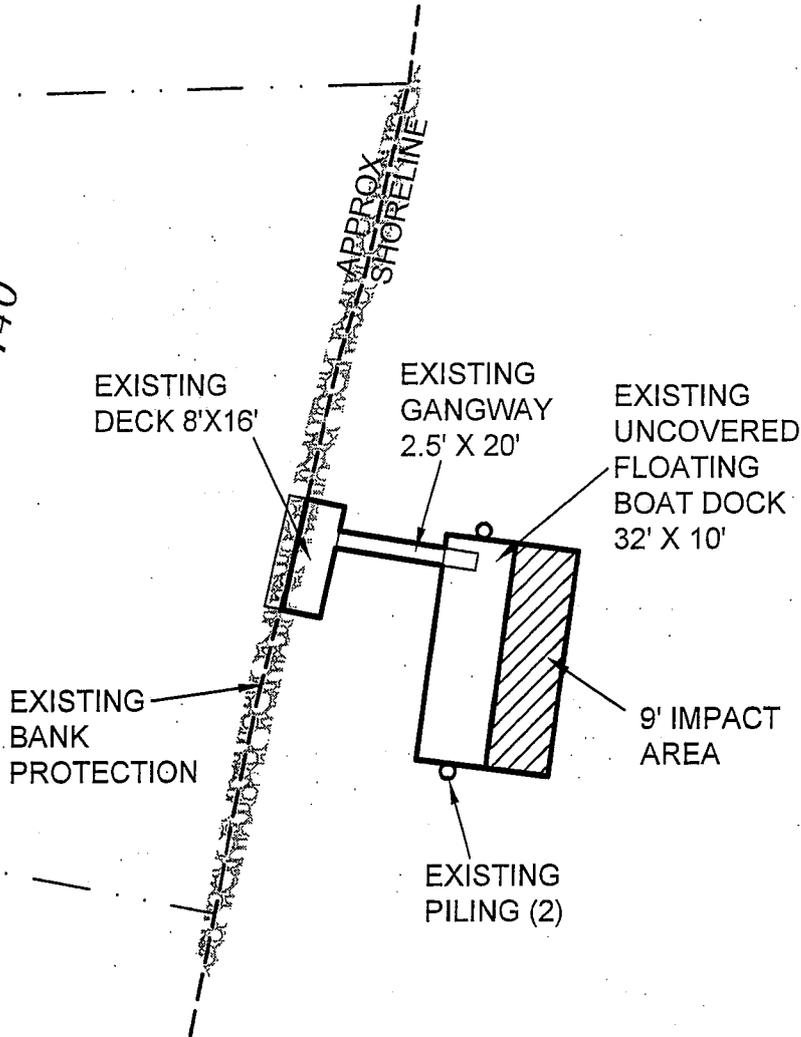


NO SCALE

SITE



APN 0177-080-140

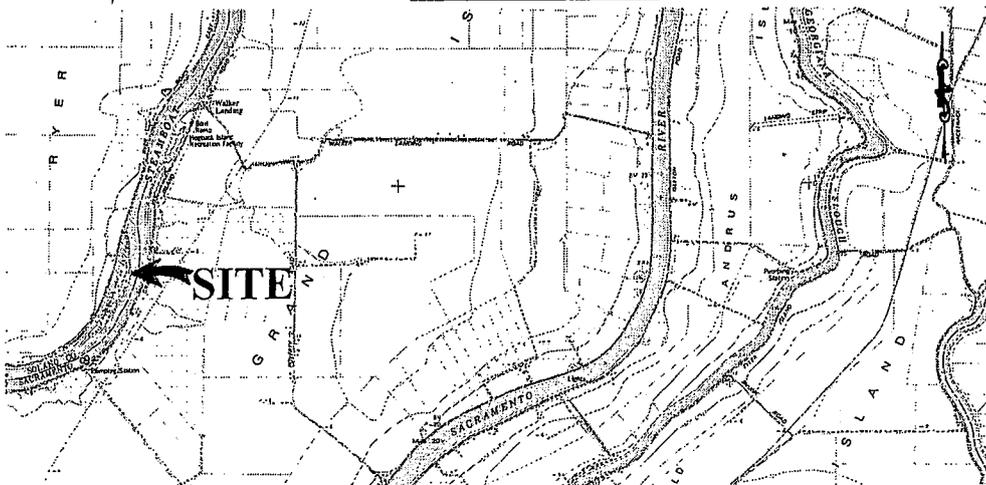


STEAMBOAT SLOUGH

3428 SNUG HARBOR DRIVE, WALNUT GROVE

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26790
 HERNANDEZ
 APN 0177-080-140
 GENERAL LEASE -
 RECREATIONAL AND
 PROTECTIVE STRUCTURE USE
 SOLANO COUNTY



TS 10/03/14

This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the 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 any other property.