

**CALENDAR ITEM
C25**

A 7
S 6

12/17/14
W 26787
V. Caldwell

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

APPLICANTS:

Gary D. Nauman, Judy Kaye Nauman, and Steve Nauman

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 2633 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Use and maintenance of an existing stairway, ramp, two metal brace attachments, and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning December 17, 2014.

CONSIDERATION:

Facilities: \$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 Applicants constructed the stairway, ramp, and two metal brace attachments in 2012; the prior owner placed the rip rap bank protection at this location and none of the improvements have been previously authorized by the Commission. Because these facilities are authorized pursuant to the Commission's statutory and regulatory authority, subject to

CALENDAR ITEM NO. **C25** (CONT'D)

a lease, and in the staff's opinion are not inconsistent with the common law Public Trust Doctrine, 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 the Sacramento River 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).

CALENDAR ITEM NO. **C25** (CONT'D)

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.

AUTHORIZATION:

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Gary D. Nauman, Judy Kaye Nauman, and Steve Nauman, beginning December 17, 2014, for a term of 10 years, for the use and maintenance of an existing stairway, ramp, two metal brace attachments, and bank protection not previously authorized by the Commission as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the existing stairway, ramp, and two metal brace attachments: \$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 26787

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflowed Land Survey 206, patented August 2, 1869, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing ramp, stairways and two 1¼ inch pipes lying adjacent to that parcel described in Grant Deed, recorded May 6, 2011 in Book 20110506 at Page 0251 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

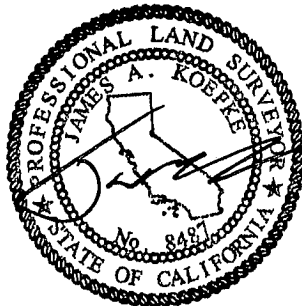
ALSO TOGETHER WITH that land lying immediately beneath any Bank Protection Structure adjacent to said parcel.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the left bank of said river.

Accompanying plat is hereby made part of this description.

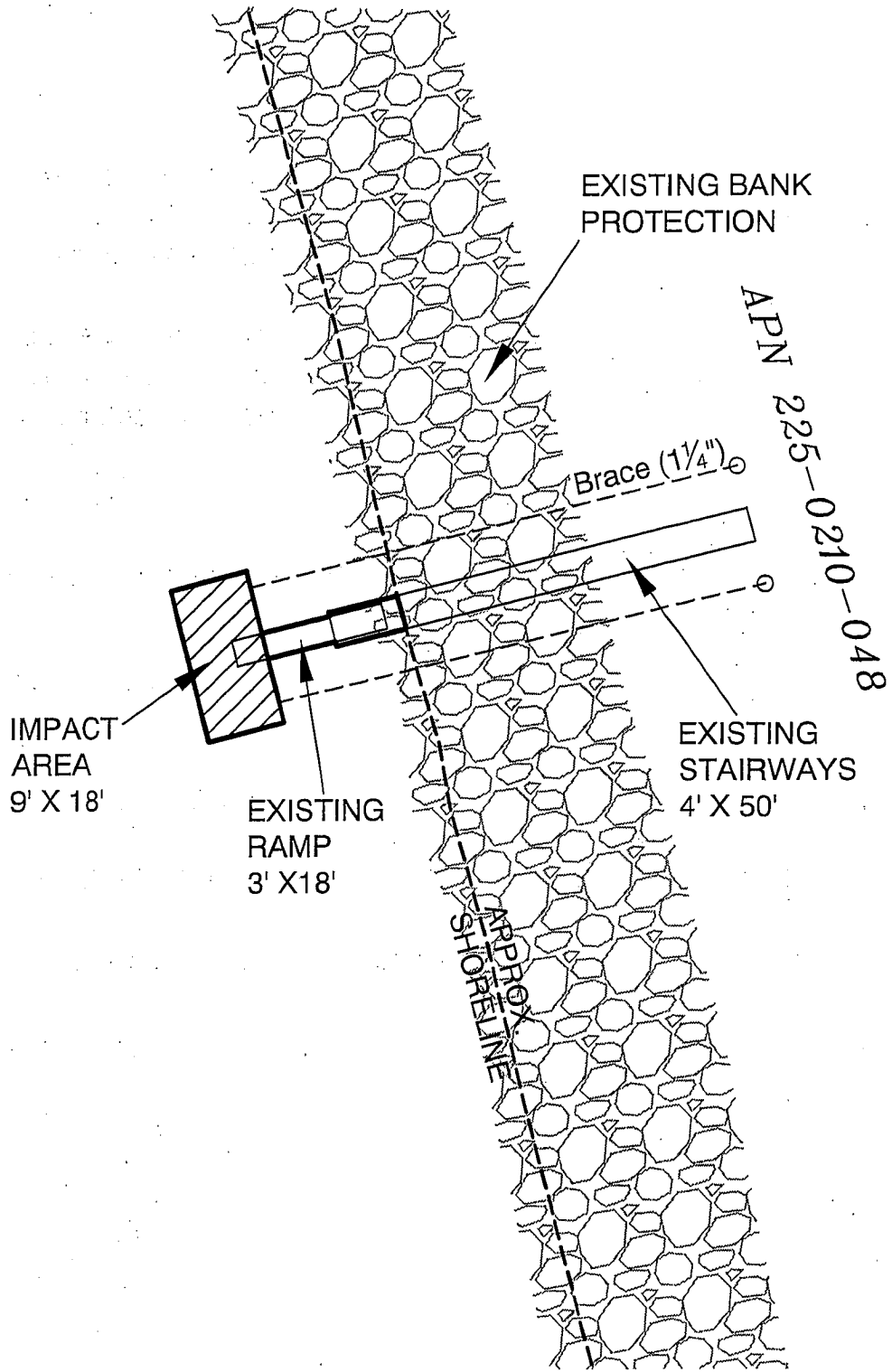
END OF DESCRIPTION

Prepared 09/09/2014 by the California State Lands Commission Boundary Unit





SACRAMENTO RIVER



APN 225-0210-048

EXHIBIT A

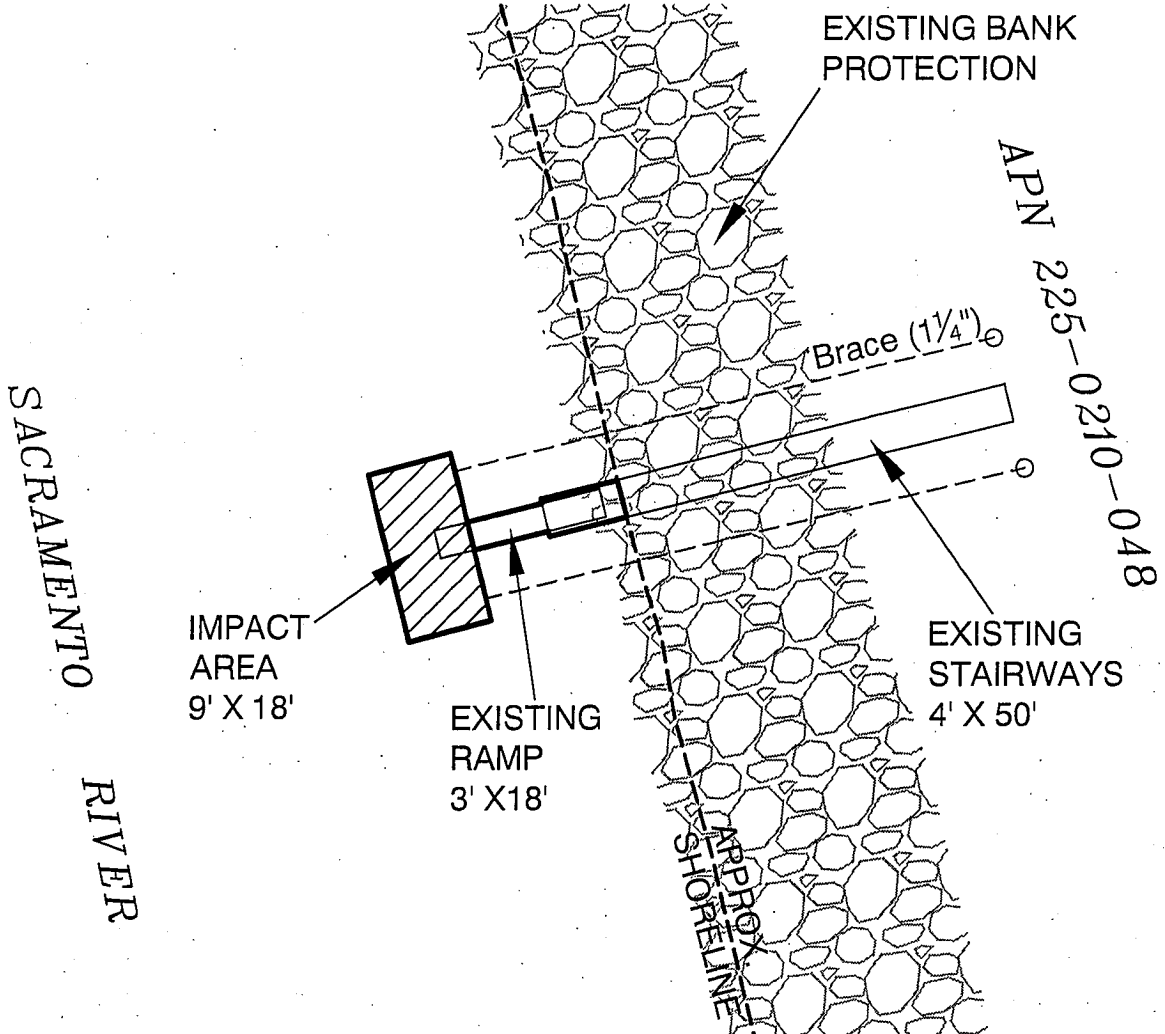
LAND DESCRIPTION PLAT
W 26787, NAUMAN
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

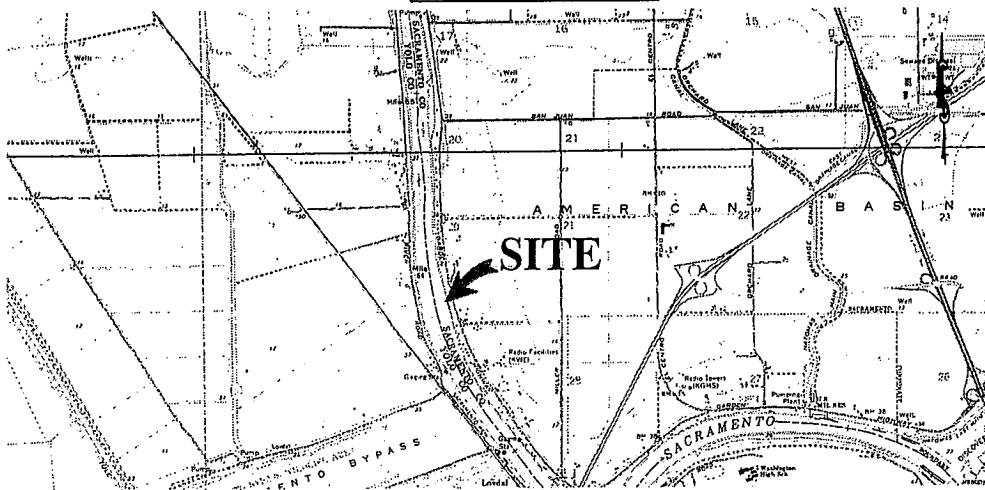
SITE



2633 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26787
 NAUMAN
 APN 225-0210-048
 GENERAL LEASE -
 RECREATIONAL & PROTECTIVE
 STRUCTURE USE
 SACRAMENTO COUNTY



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.

TS 09/09/14