

**CALENDAR ITEM
C50**

A 7
S 6

04/23/15
W 26770
V. Caldwell

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

APPLICANT:

Lee A. Stearn

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 2611 Garden Highway, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

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

LEASE TERM:

10 years, beginning April 23, 2015.

CONSIDERATION:

Uncovered Floating Boat Dock, Gangway, and Stairs: \$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 action 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. Applicant owns the upland adjoining the lease premises.
2. The uncovered floating boat dock, gangway, stairs, and bank protection were constructed many years ago but were not previously authorized by the Commission. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.

CALENDAR ITEM NO. **C50** (CONT'D)

3. The Commission is currently in litigation with the Applicant on another matter, relating to unauthorized work at other locations along the Sacramento River and in the Delta. That litigation is currently in settlement discussion and is not directly related to the current application before the Commission. Staff believes that the need to bring the Applicant's facilities under lease may be considered separately from the matters at issue in the litigation.
4. The Applicant received a permit from Reclamation District 1000 for the placement of the bank protection. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection for the river channel from wave action provided at no cost to the public.
5. 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.

6. 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. **C50** (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 Lee A. Stearn, beginning April 23, 2015, for a term of 10 years, for the use and maintenance of an existing uncovered floating boat dock, gangway, stairs, 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 uncovered floating boat dock, gangway, and stairs: \$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 26770

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 date August 12, 1869, County of Sacramento, State of California and more particularly described as follows:

All those lands underlying an existing floating dock, gangway and stairway lying adjacent to that parcel described in Grant Deed, recorded November 9, 1998 in Document Number 199811091841 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 that parcel described in said Grant Deed.

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 06/02/14 by the California State Lands Commission Boundary Unit



SACRAMENTO
RIVER

EXISTING
FLOATING
DOCK 15' X 8'

EXISTING
GANGWAY
22' X 2.5'

9' IMPACT
AREA

EXISTING
BANK
PROTECTION

APN 225-0210-035

EXISTING
STAIRWAY
40' X 3'

APPROX. SHORELINE

EXHIBIT A

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TS 06/02/14

LAND DESCRIPTION PLAT
W 26770, STEARN
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

SACRAMENTO RIVER

RIVER

EXISTING FLOATING DOCK 15' X 8'

EXISTING GANGWAY 22' X 2.5'

9' IMPACT AREA

EXISTING BANK PROTECTION

APN 225-0210-035

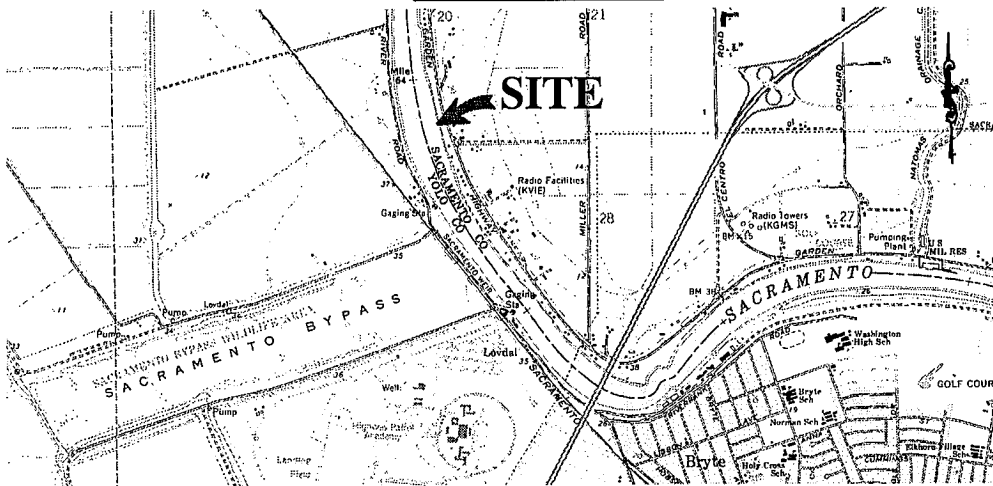
EXISTING STAIRWAY 40' X 3'

APPROX. SHORELINE

2611 GARDEN HIGHWAY, SACRAMENTO

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26770
 STEARN
 APN 225-0210-035
 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.