

**CALENDAR ITEM  
C53**

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S 6

04/23/15  
PRC 8545.1  
V. Caldwell

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

**APPLICANT:**

Patrick Stephen Tully and Wendy Mae Tully

**AREA, LAND TYPE, AND LOCATION:**

Sovereign land in the Sacramento River, adjacent to 3067 Garden Highway, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered single-berth floating boat dock, four steel pilings, gangway, and bank protection previously authorized by the Commission; and use and maintenance of a boat lift, utility outlet, and double jet-ski float not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning October 1, 2014.

**CONSIDERATION:**

**Uncovered Single-Berth Floating Boat Dock, Boat Lift, Four Steel Pilings, Gangway, Utility Outlet, and Double Jet-Ski Float:** \$213 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.

CALENDAR ITEM NO. **C53** (CONT'D)

2. On October 1, 2004, the Commission authorized a General Lease – Recreational and Protective Structure Use to Patrick Stephen Tully and Wendy Mae Tully, for an existing uncovered single-berth floating boat dock, four steel pilings, gangway, and bank protection. The lease expired on September 30, 2014. The boat lift, utility outlet, and double jet-ski float were installed at the time of construction but were not previously authorized by the Commission. Staff recommends authorization of these structures. The Applicant is now applying for a General Lease – Recreational and Protective Structure Use.
3. 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.
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. **C53** (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 Patrick Stephen Tully and Wendy Mae Tully beginning October 1, 2014, for a term of 10 years, for the continued use and maintenance of an existing uncovered single-berth floating boat dock, four steel pilings, gangway, and bank protection previously authorized by the Commission; and use and maintenance of a boat lift, utility outlet, and double jet-ski float 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 single-berth floating boat dock, boat lift, four steel pilings, gangway, utility outlet, and double jet-ski float: \$213 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**

**PRC 8545.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflow Survey 284, patented July 26, 1872 of the County of Sacramento, State of California, and more particularly described as follows:

All those lands underlying an existing uncovered single-berth floating boat dock, gangway, boat lift, four (4) pilings, utility outlet, and double jet-ski float lying adjacent to that parcel as described in Exhibit A of that Grant Deed recorded August 29, 1997 in Document Number 199708291915 of Official Records of said County.

TOGETHER WITH any applicable impact area(s).

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

EXCEPTING THEREFROM any portion(s) lying landward of the Ordinary High Water Mark of the Sacramento River.

Accompanying plat is hereby made a part of this description.

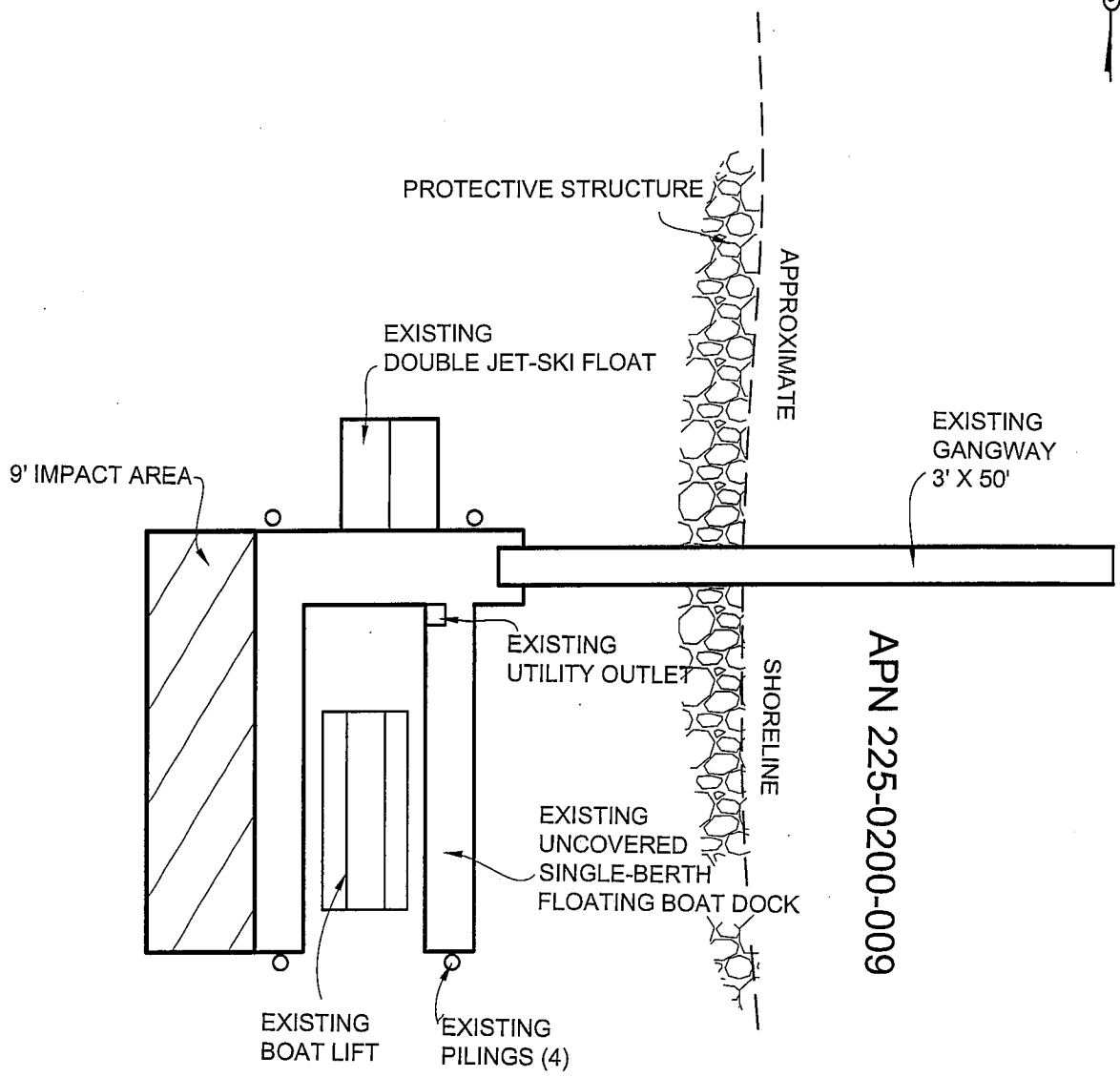
**END OF DESCRIPTION**

Prepared January 27, 2015 by the California State Lands Commission Boundary Unit.





Sacramento River



# EXHIBIT A

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LAND DESCRIPTION PLAT  
 PRC 8545.1, TULLY  
 SACRAMENTO COUNTY

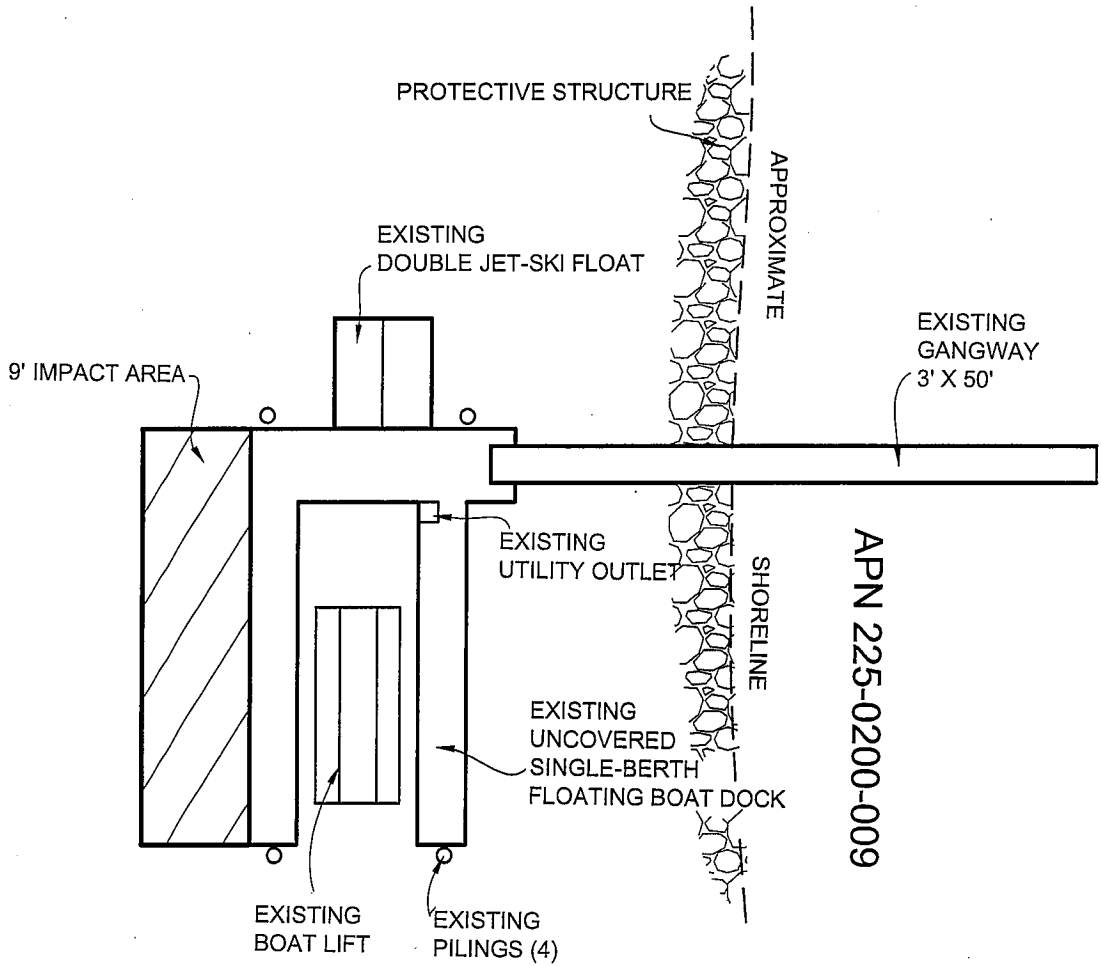
CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

# SITE

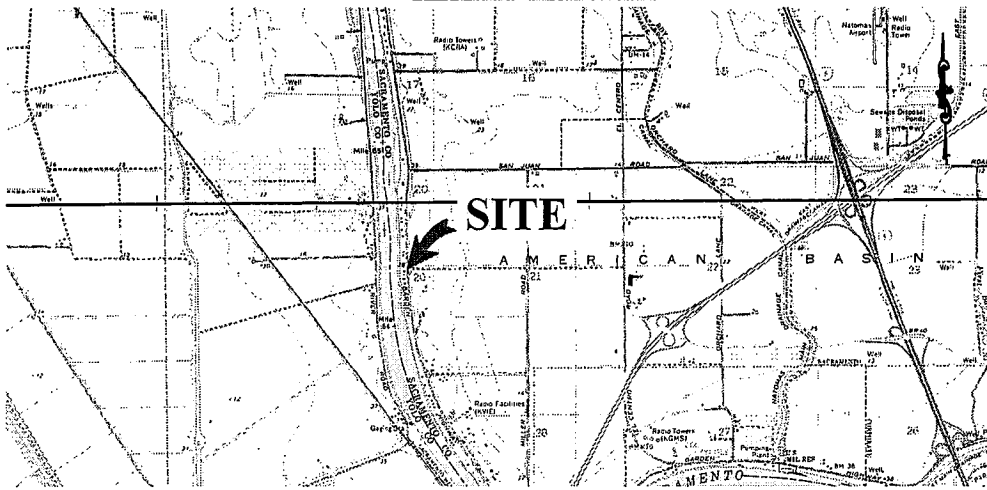
Sacramento River



3067 GARDEN HWY., SACRAMENTO

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit B

PRC 8545.1  
 TULLY  
 APN 225-0200-009  
 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.

MJJ 2/03/2015