

**CALENDAR ITEM
C21**

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09/01/11
WP 5141.9
N. Lavoie

RECREATIONAL PIER LEASE

APPLICANTS:

John F. Nelson and Wendy Z. Nelson, as Co-Trustees of the Nelson Family Trust dated December 9, 1998

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to Assessors Parcel Number 225-0090-027, near the city of Sacramento, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of a single berth u-shaped floating boat dock, boatlift, electrical and water conduits, piling, two-piling dolphin, and ramp previously authorized by the Commission, and an existing floating jet ski dock not previously authorized by the Commission, as shown on Exhibit A.

LEASE TERM:

10 years, beginning February 3, 2011.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$500,000.

OTHER PERTINENT INFORMATION:

1. The Applicants own the upland adjoining the lease premises.
2. On February 5, 2001, the Commission authorized a 10-year Recreational Pier Lease with John F. Nelson and Wendy Z. Nelson. That lease expired on February 2, 2011. On February 5, 2002, the upland property transferred to John F. Nelson and Wendy Z. Nelson, as Co-Trustees of the Nelson Family Trust dated December 9, 1998. The Applicants are now applying for a new Recreational Pier Lease.

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3. Applicants qualify for a Recreational Pier Lease because Applicants are natural persons who own the littoral land that is improved with a single-family dwelling.

4. **Single Berth U-Shaped Floating Boat Dock, Boatlift, Electrical and Water Conduits, Piling, Two-Piling Dolphin, and Ramp:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(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.

5. **Floating Jet Ski Dock:** Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff has determined that 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 2, California Code of Regulations, section 2905 (c)(1).

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

EXHIBIT:

- A. Site and Location Map

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RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Single Berth U-Shaped Floating Boat Dock, Boatlift, Electrical and Water Conduits, Piling, Two-Piling Dolphin, and Ramp: 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 1, Existing Facilities; Title 2, California Code of Regulations, section 2905 (a)(2).

Floating Jet Ski Dock: 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 2, California Code of Regulations, section 2905 (c)(1).

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 10-year Recreational Pier Lease to John F. Nelson and Wendy Z. Nelson, as Co-Trustees of the Nelson Family Trust dated December 9, 1998, beginning February 3, 2011, for the continued use and maintenance of a single berth u-shaped floating boat dock, boatlift, electrical and water conduits, piling, two-piling dolphin, and ramp previously authorized by the Commission and an existing floating jet ski dock not previously authorized as shown on Exhibit A attached and by this reference made a part hereof; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in the amount of no less than \$500,000.