

MINUTE ITEM
This Calendar Item No. C32 was approved as
Minute Item No. 32 by the California State Lands
Commission by a vote of 2 to 0 at its
06/18/02 meeting.

**CALENDAR ITEM
C32**

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06/18/02
PRC7768 WP 7768
N. Quesada

**ACCEPTANCE OF QUITCLAIM DEED,
TERMINATION OF A GENERAL LEASE – RECREATIONAL USE,
AND ISSUANCE OF NEW GENERAL LEASE – RECREATIONAL USE**

**1) ACCEPTANCE OF QUITCLAIM DEED AND TERMINATION OF GENERAL
LEASE – RECREATIONAL LEASE, PRC 7768.1**

LESSEE:

Steven H. Markstein
5295 Garden Highway
Sacramento, California 95837

AREA, LAND TYPE AND LOCATION:

Tide and submerged land in the Sacramento River, along the Garden Highway,
Sacramento County.

AUTHORIZED USE:

The construction, use and maintenance of a partially covered floating dock, foot
ramp and foot landing.

LEASE TERM:

Ten years, beginning April 1, 1994.

CONSIDERATION:

\$640.32 per year, with the State reserving the right to fix a different rent
periodically during the lease term, as provided in the lease.

SPECIFIC LEASE CONDITIONS:

Liability insurance in the amount of \$500,000 Combined Single Limit.

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2) ISSUANCE OF NEW GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Bruce J. Sevier and Gayle L. Sevier
7283 Garden Highway
Sacramento, California 95837

AREA, LAND TYPE, AND LOCATION:

Tide and submerged lands in the Sacramento River, along the Garden Highway, Sacramento County.

AUTHORIZED USE:

Construction, use and maintenance of a floating boat dock and access ramp.

LEASE TERM:

Ten years, beginning April 1, 1999.

CONSIDERATION:

April 1, 1999, through March 31, 2000: \$ 50.00.

April 1, 2000, through March 31, 2001: \$ 50.00.

April 1, 2001, through March 31, 2002: \$512.12

April 1, 2002 per year and thereafter:

No monetary consideration pursuant to Public Resources Code section 6503.5.

SPECIFIC LEASE PROVISIONS:

Liability insurance in the amount of no less than \$300,000.

OTHER PERTINENT INFORMATION:

1. On May 26, 1994, the Commission authorized a ten year General Lease – Recreational Use to Steven H. Markstein for the construction, use and maintenance of a partially covered floating dock, foot ramp and foot landing. The only facilities that were constructed were three pilings. The Lessee did not qualify for a rent-free Recreational Pier Lease because the littoral land was not improved with a single-family dwelling pursuant to Section 6503.5 of the Public Resources Code.

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Steven H. Markstein sold the upland parcel to Bruce J. Sevier and Gayle L. Sevier on November 23, 1998. The Commission was not advised of this transaction and, therefore, the lease was not assigned at that time. In December 2001, the Seviars submitted an application for the lease and indicated that in 2001 they had constructed a floating boat dock and access ramp, which were slightly smaller in size than the facilities previously authorized to Markstein. A single-family dwelling was still not constructed on the upland at the time the boat dock and ramp were constructed. In April, 2002, the Seviars notified the State Lands Commission of their completed house construction.

The proposed transaction involves terminating the existing lease to Markstein effective March 31, 1999, and issuing a new General Lease – Recreational Use to the Seviars commencing April 1, 1999. Because the only improvements which were constructed during the lease years April 1, 1999 through March 31, 2000, and April 1, 2000, through March 31, 2001 were the three pilings, the annual rent for each of these years will be \$50, totaling \$100. Since the boat dock was constructed in 2001, and the upland did not have a single-family dwelling, the annual rental for the lease year April 1, 2001, through March 31, 2002, will be \$512.12. Beginning April 1, 2002, the Seviars qualify for a rent free lease pursuant to Section 6503.5 of the Public Resources Code because they are natural persons who have improved the littoral land with, and will be using the upland for, a single-family dwelling.

2. **Acceptance of Quitclaim Deed:**

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

3. **Termination of existing lease:**

Pursuant to the Commission's delegation of authority and the State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the provisions of

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the CEQA because it is not a "project" as defined by the CEQA and the State CEQA Guidelines.

Authority: Public Resources Code section 21065 and Title 14, California Code of Regulations, sections 15060 (c)(3) and 15378.

4. Issuance of new General Lease – Recreational Use:

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 the 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.

5. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code sections 6370, et seq. 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.

FURTHER APPROVALS REQUIRED:

U.S. Army Corps of Engineers; The Reclamation Board.

EXHIBIT:

- A. Site Map and Location Map

PERMIT STREAMLINING ACT DEADLINE:

N/A

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDINGS:

ACCEPTANCE OF QUITCLAIM DEED:

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14,

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CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3)
BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY
PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14,
CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

**TERMINATION OF EXISTING GENERAL LEASE – RECREATIONAL
USE:**

FIND THAT THE ACTIVITY IS NOT SUBJECT TO THE
REQUIREMENTS OF THE CEQA PURSUANT TO TITLE 14,
CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3)
BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY
PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14,
CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

ISSUANCE OF NEW GENERAL LEASE – RECREATIONAL USE:

FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS
OF THE 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 SECTIONS 6370,
ET SEQ.

AUTHORIZATION:

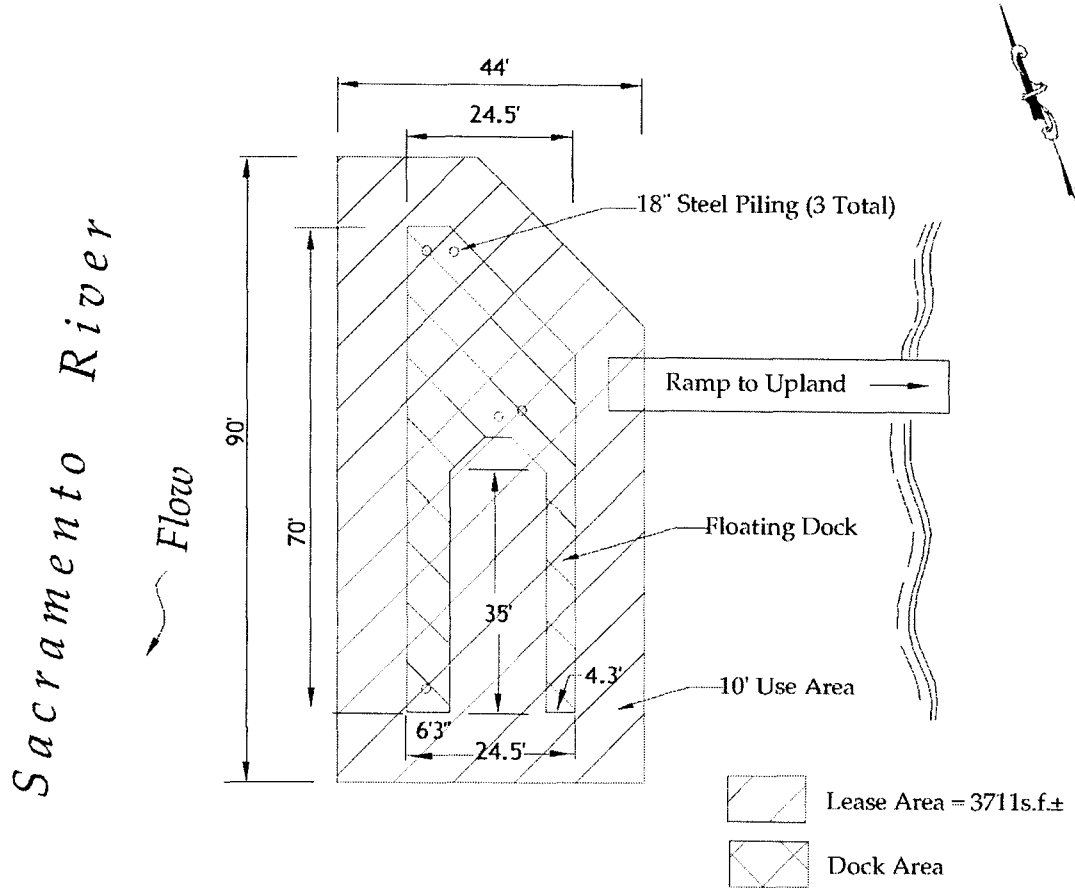
1. AUTHORIZE THE ACCEPTANCE OF LEASE QUITCLAIM DEED
OF GENERAL LEASE – RECREATIONAL USE PRC 7768.1,
EFFECTIVE MARCH 31, 1999, ISSUED TO STEVEN H.
MARKSTEIN, AND APPROVED BY THE COMMISSION ON
MAY 26, 1994.
2. AUTHORIZE TERMINATION OF GENERAL LEASE –
RECREATIONAL USE PRC 7768.1, EFFECTIVE MARCH 31,
1999, ISSUED TO STEVEN H. MARKSTEIN, AND APPROVED BY
THE COMMISSION ON MAY 26, 1994.

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3. AUTHORIZE ISSUANCE TO BRUCE J. SEVIER AND GAYLE L. SEVIER OF A TEN-YEAR GENERAL LEASE – RECREATIONAL USE, BEGINNING APRIL 1, 1999, FOR THE CONSTRUCTION, USE AND MAINTENANCE OF A FLOATING BOAT DOCK AND ACCESS RAMP ON THE LAND SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION: \$50 PER YEAR FOR THE PERIODS APRIL 1, 1999, THROUGH MARCH 31, 2000, AND APRIL 1, 2000, THROUGH MARCH 31, 2001; \$512.12 FOR THE PERIOD APRIL 1, 2001, THROUGH MARCH 31, 2002; AND FOR THE PERIOD APRIL 1, 2002, AND THEREAFTER, NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$300,000.

NO SCALE

SITE MAP



7283 Garden Highway, Sacramento River

NO SCALE

Location Map

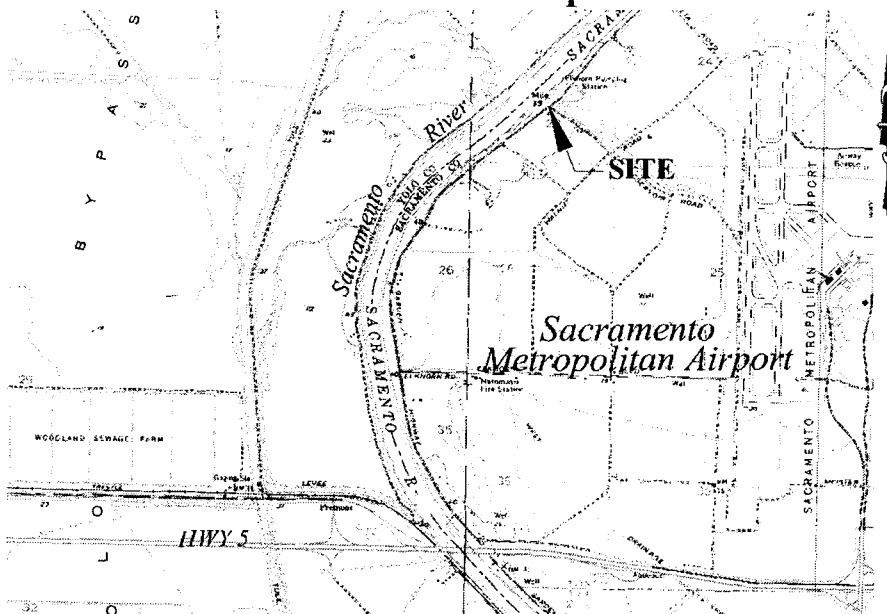


Exhibit A
PRC 7768
APN 201-250-028
Sacramento County



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.

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