

MINUTE ITEM

This Calendar Item No. C16 was approved as Minute Item No. 16 by the California State Lands Commission by a vote of 3 to 0 at its 06/26/06 meeting.

CALENDAR ITEM
C16

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06/26/06
PRC 7022.9
J. McComas

TERMINATION AND ISSUANCE OF RECREATIONAL PIER LEASE

LESSEES:

Lee A. and Elisabeth G. Smiley

APPLICANT:

David Tenenberg

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Napa River, near the city of Napa, Napa County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, walkway, ramp, and pilings as shown on Exhibit A.

LEASE TERM:

Ten years, beginning June 26, 2006.

CONSIDERATION:

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. Applicant owns the upland property adjoining the lease premises.
2. On May 12, 1997, the Commission authorized a ten-year Recreational Pier Lease to Lee A. and Elisabeth G. Smiley. That lease will expire on November 19, 2006.
3. On June 27, 2003, the Lessees transferred ownership of the upland to David Tenenberg. Staff is recommending termination of the existing lease and approval of a new lease, effective June 26, 2006.

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4. Applicant qualifies for a Recreational Pier Lease because he is a natural person who has improved the littoral land with, and uses the upland for, a single-family dwelling. Applicant is now applying for a new lease for the existing uncovered floating boat dock, walkway, ramp, and pilings, previously authorized by the Commission.
5. **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 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, section 15060(c)(3) and 15378.

6. **Issuance of new lease (uncovered floating boat dock, walkway, ramp, and pilings):** 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 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.

7. 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.

EXHIBIT:

- A. Site and Location Map

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RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

TERMINATION OF EXISTING LEASE: FIND THAT THE ACTIVITY IS EXEMPT FROM 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 LEASE (UNCOVERED FLOATING BOAT DOCK, WALKWAY, RAMP, AND PILINGS): 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 1, EXISTING FACILITIES: TITLE 2, CALIFORNIA CODE OF REGULATIONS SECTION 2905 (a)(2).

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:

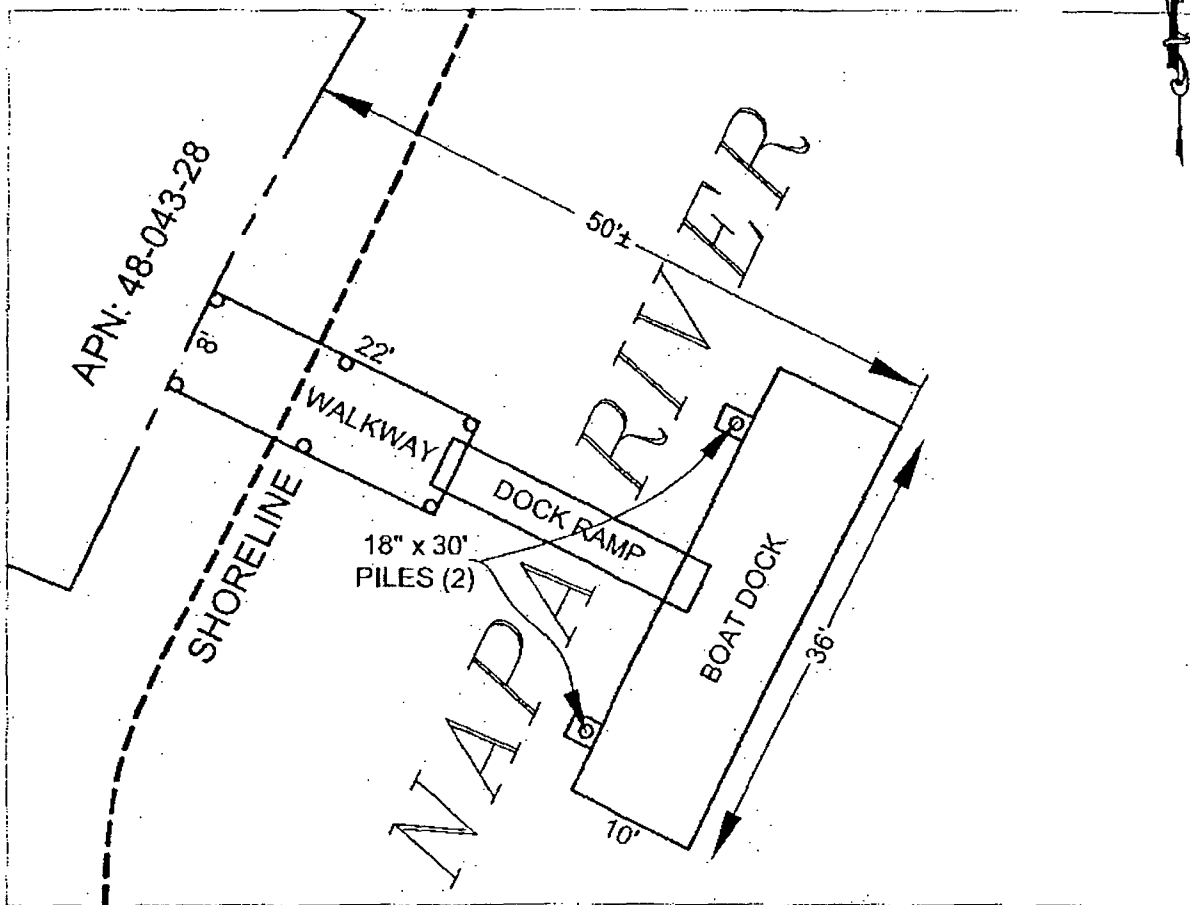
1. AUTHORIZE TERMINATION OF LEASE NO. PRC 7022.9 RECREATIONAL PIER LEASE EFFECTIVE JUNE 26, 2006, ISSUED TO LEE A. SMILEY AND ELISABETH G. SMILEY, AND APPROVED BY THE COMMISSION ON MAY 12, 1997;
2. AUTHORIZE ISSUANCE TO DAVID TENENBERG OF A TEN-YEAR RECREATIONAL PIER LEASE, BEGINNING JUNE 26, 2006, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING UNCOVERED FLOATING BOAT DOCK, WALKWAY, RAMP, AND PILINGS AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; NO MONETARY CONSIDERATION PURSUANT TO PUBLIC

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RESOURCES CODE SECTION 6503.5; LIABILITY INSURANCE
IN THE AMOUNT OF NO LESS THAN \$300,000.

NO SCALE

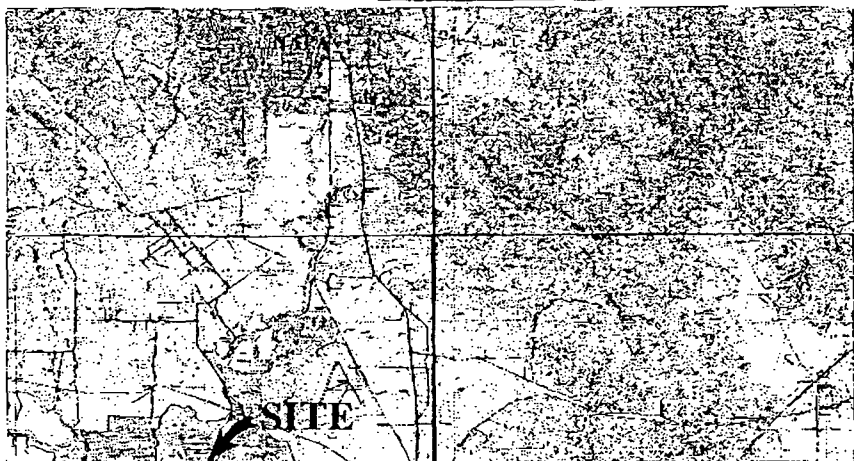
SITE



1800 MILTON ROAD, NAPA RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit A

WP 7022
 DAVID TENENBERG
 APN:48-043-28
 RECREATIONAL PIER LEASE
 NAPA RIVER
 NAPA COUNTY



MJP 5/22/06

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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