

MINUTE ITEM

This Calendar Item No. C19 was approved as Minute Item No. 19 by the California State Lands Commission by a vote of 3 to 0 at its 11-21-06 meeting.

CALENDAR ITEM

C19

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11/21/06

PRC 5226

WP 5226.1

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D. Jones

ASSIGNMENT AND AMENDMENT OF LEASE

LESSEE/ASSIGNOR:

Frances R. Maben, Trustee of the M. Earl Maben and Frances R. Maben Marital Trust, Under Declaration of Trust Dated August 5, 1999

ASSIGNEE:

Ray W. Walker, Trustee of the Walker Living Trust

AREA, LAND TYPE, AND LOCATION:

0.18 acres, more or less of sovereign lands in the Sacramento River, near the town of Ryde, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing floating dock, ramp and fixed walkway.

LEASE TERM:

15 years, beginning December 1, 1997

CONSIDERATION:

\$422 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

PROPOSED AMENDMENT:

Add lease provisions that the Lessee must implement the Commission's "Best Management Practices for Marina Owners/Operators" and encourage implementation of the Commission's "Best Management Practices for Guest Dock Users and Boaters", including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. Lessee shall post the BMPs for Guest Dock Users and Boaters" in prominent places within the lease premises. The Lessee shall provide the Commission, on the first anniversary of the assignment of the lease and triennially thereafter, a report on compliance with all BMPs.

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OTHER PERTINENT INFORMATION:

1. Assignee owns the uplands adjoining the lease premises.
2. On February 27, 1998, the Commission issued a General Lease – Commercial Use to M. Earl Maben for a floating dock, ramp and fixed walkway. The dock is an accommodation dock for the Tunnel Trailer Park which is on the upland. On February 21, 2003, the lease was assigned to Frances R. Maben, Trustee of the M. Earl and Frances R. Maben Marital Trust, under Declaration of Trust dated August 5, 1999. Ray Walker, Trustee of the Walker Living Trust, has purchased the upland and the lease improvements. No changes are proposed to be made within the lease premises. Ray Walker, Trustee of the Walker Living Trust, has agreed to amend the lease to include “Best Management Practices for Marina Owners/Operators” and the Commission’s “Best Management Practices for Guest Dock Users and Boaters”. The effective date of the proposed assignment and amendment will be October 12, 2006.
3. 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.

4. 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. Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

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

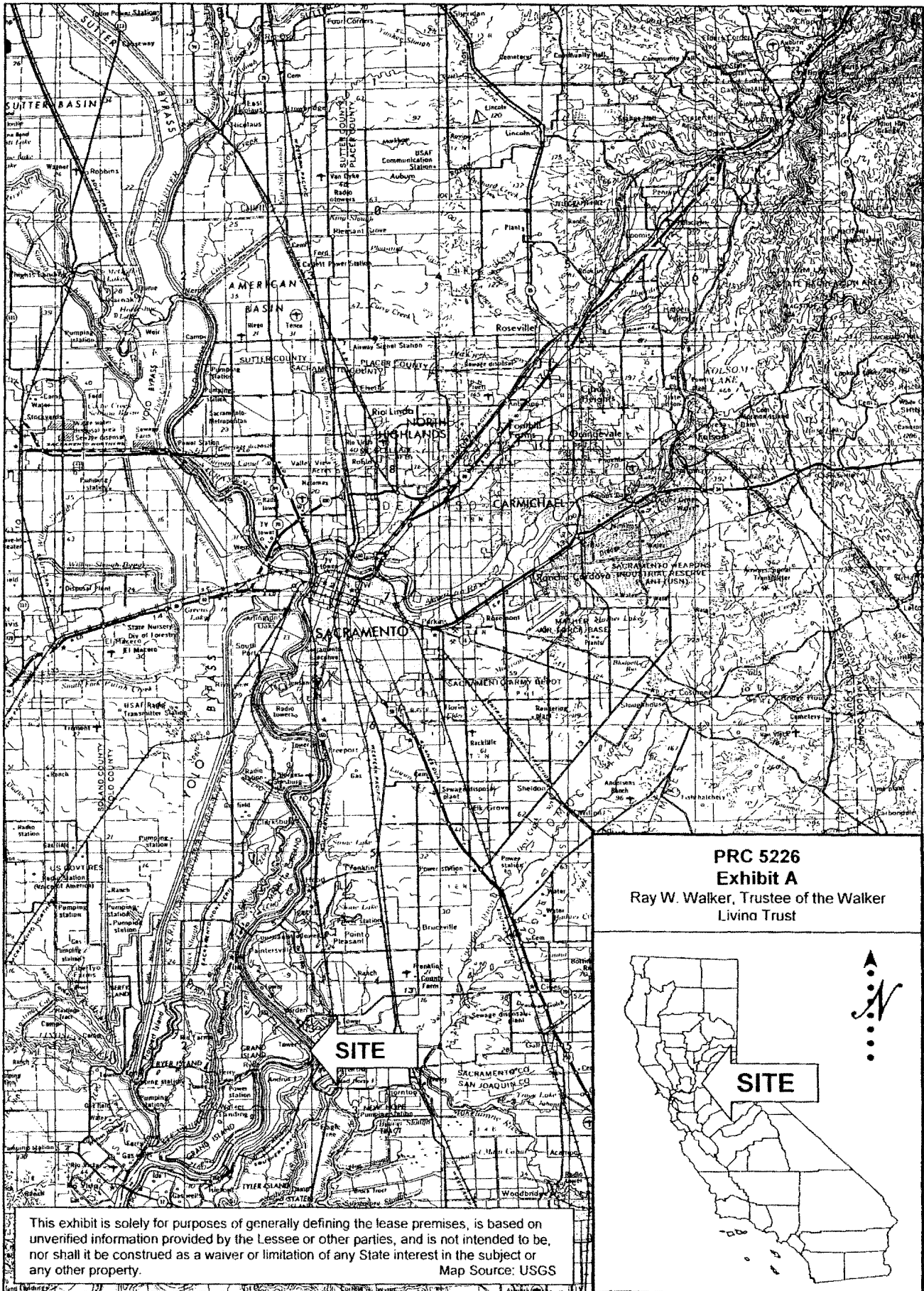
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CALIFORNIA CODE OF REGULATIONS, SECTION 15060(c)(3)
BECAUSE THE ACTIVITY IS NOT A PROJECT AS DEFINED BY
PUBLIC RESOURCES CODE SECTION 21065 AND TITLE 14,
CALIFORNIA CODE OF REGULATIONS, SECTION 15378.

AUTHORIZATION:

1. AUTHORIZE THE ASSIGNMENT OF LEASE NO. PRC 5226.1, A GENERAL LEASE - COMMERCIAL USE, OF SOVEREIGN LANDS AS SHOWN ON EXHIBIT A, ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF, FROM FRANCES R. MABEN, TRUSTEE OF THE M. EARL AND FRANCES R. MABEN MARITAL TRUST, UNDER DECLARATION OF TRUST DATED AUGUST 5, 1999, TO RAY W. WALKER, TRUSTEE OF THE WALKER LIVING TRUST, EFFECTIVE OCTOBER 12, 2006.

2. AUTHORIZE THE AMENDMENT OF LEASE NO. PRC 5226.1, A GENERAL LEASE - COMMERCIAL USE, OF LANDS SHOWN ON EXHIBIT A ATTACHED AND BY REFERENCE MADE A PART HEREOF, EFFECTIVE OCTOBER 12, 2006, TO ADD PROVISIONS INVOLVING BEST MANAGEMENT PRACTICES; ALL OTHER TERMS AND CONDITIONS OF THE LEASE WILL REMAIN IN EFFECT WITHOUT AMENDMENT.



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