

MINUTE ITEM
This Calendar Item No. C23 was approved as
Minute Item No. 23 by the California State Lands
Commission by a vote of 3 to 0 at its
05/10/07 meeting.

CALENDAR ITEM

C23

A 6
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05/10/07
PRC 5526 WP 5526.1
B. Badeker

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Michael LeMieux and Jessica LeMieux

AREA, LAND TYPE, AND LOCATION:

Sovereign lands in the Petaluma River, at Black Point, near the city of Novato,
Marin County.

AUTHORIZED USE:

Continued use and maintenance of an existing pier, ramp, deck, and floating boat
dock as shown on Exhibit A.

LEASE TERM:

Ten years, beginning April 29, 2007.

CONSIDERATION:

Floating Boat Dock, Pier, and Ramp: No monetary consideration pursuant to
Public Resources Code section 6503.5.

Deck: \$50 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 PROVISIONS:

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

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On July 11, 1997, the Commission authorized a ten-year Recreational Pier
Lease with Michael LeMieux. That lease expired on April 28, 2007. The
littoral property is now owned by Michael LeMieux and Jessica LeMieux
who have applied for a new lease.

CALENDAR ITEM NO. C23 (CONT'D)

3. The prior lease authorized by the Commission included the existing deck. Since the deck is existing, staff is recommending that a new lease be issued to the Applicants for the deck and the other existing improvements. However, the proposed lease contains conditions that the existing deck, as shown on the attached Exhibit A, cannot be expanded, and if repairs to any portion of the existing deck cost more than 50% of the base value of the deck, then the deck must be removed from the lease premises.
4. The pier, ramp, and floating dock are rent free because the Applicants are natural persons who have improved the littoral land with, and use the upland for, a single-family dwelling.
5. The deck does not qualify for rent-free status because it is a structure not used for the docking or mooring of boats.
6. 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 Map
- B. Location Map

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CALENDAR ITEM NO. C23 (CONT'D)

CEQA FINDING:

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).

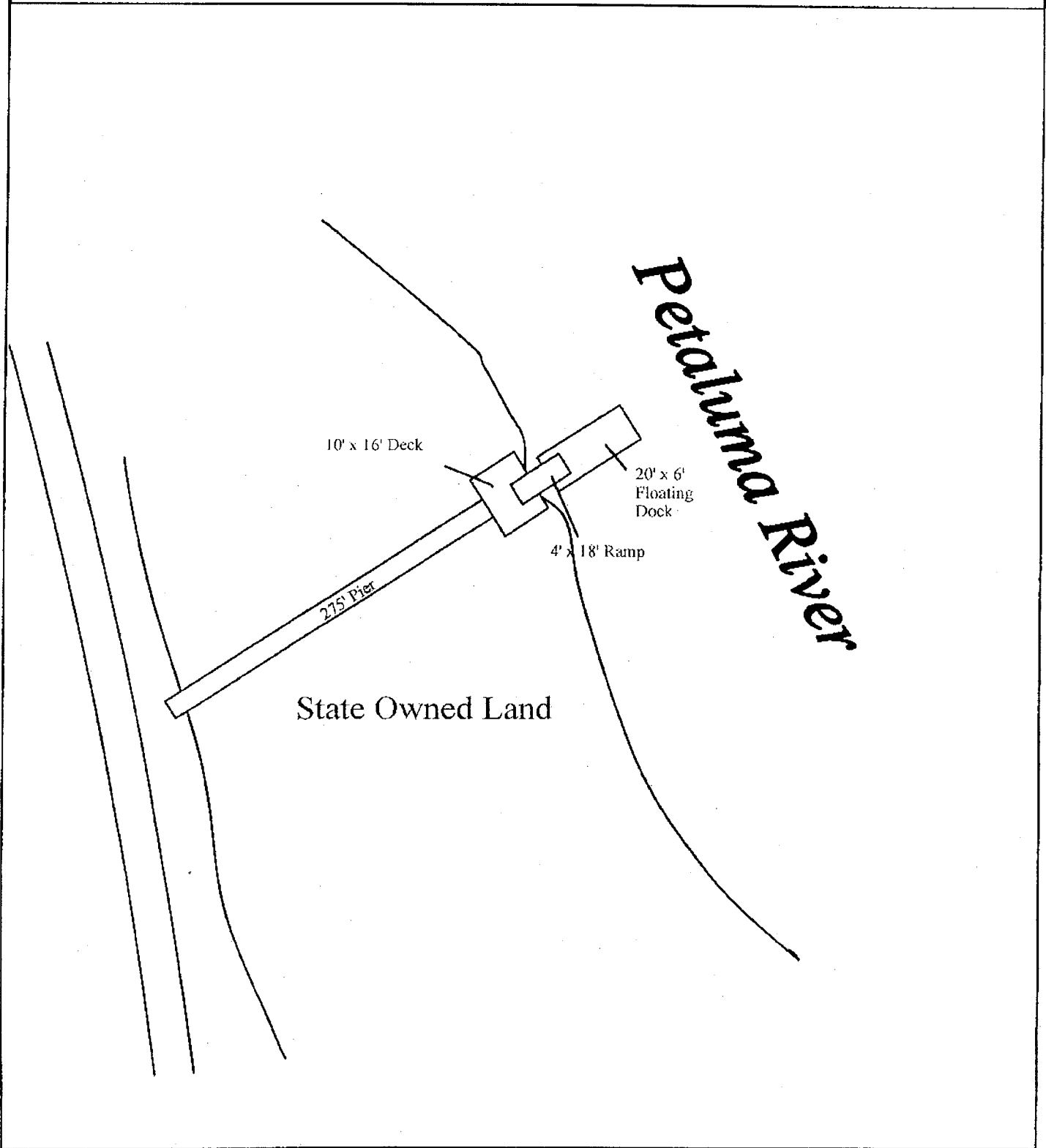
SIGNIFICANT LANDS INVENTORY FINDING:

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:

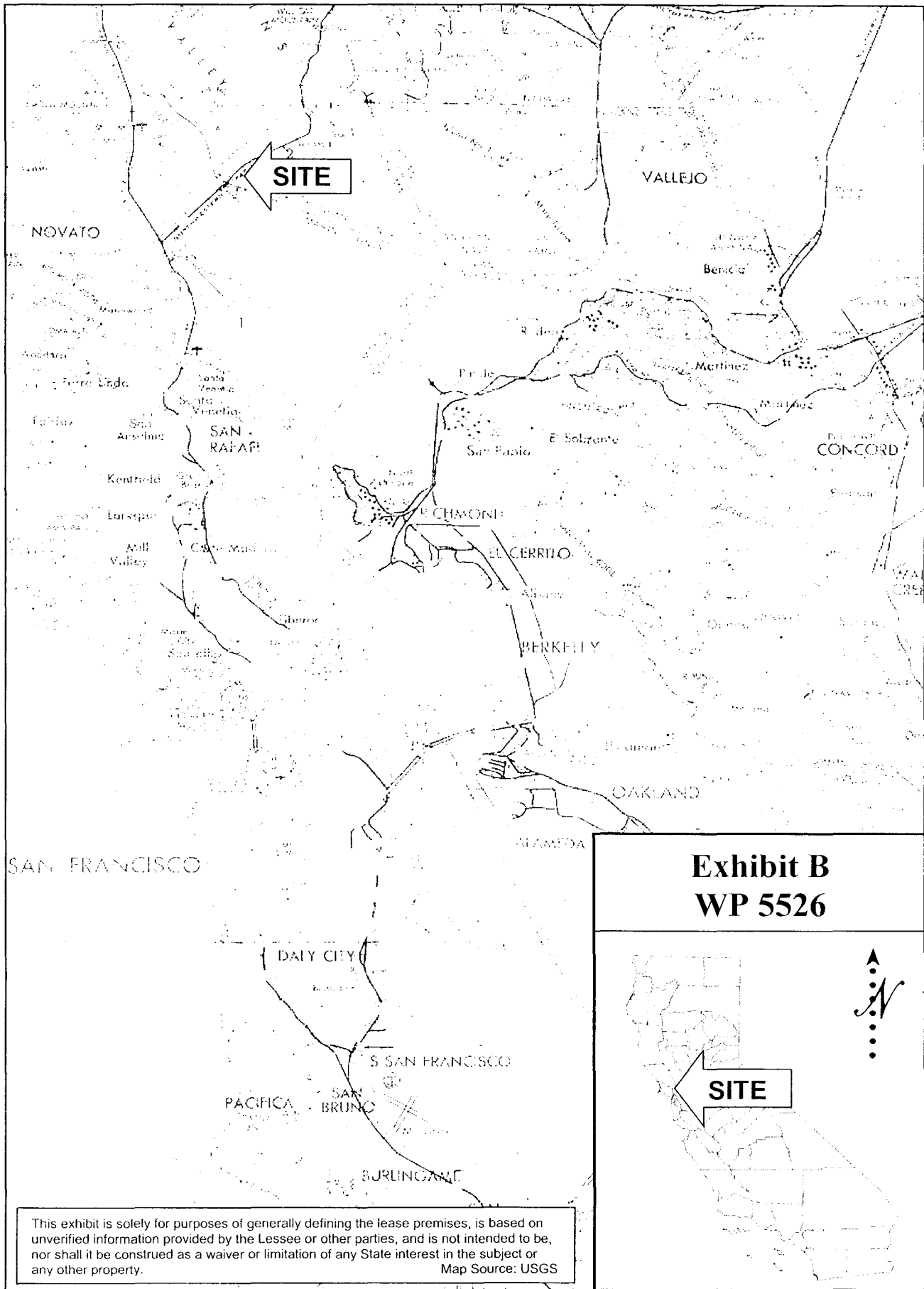
AUTHORIZE ISSUANCE TO MICHAEL LEMIEUX AND JESSICA LEMIEUX, OF A TEN-YEAR GENERAL LEASE - RECREATIONAL USE, BEGINNING APRIL 29, 2007, FOR THE CONTINUED USE AND MAINTENANCE OF AN EXISTING PIER, DECK, RAMP, AND FLOATING BOAT DOCK AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE PIER, RAMP, AND FLOATING BOAT DOCK: NO MONETARY CONSIDERATION PURSUANT TO PUBLIC RESOURCES CODE SECTION 6503.5; CONSIDERATION FOR THE DECK: ANNUAL RENT IN THE AMOUNT OF \$50, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE IN THE AMOUNT OF NO LESS THAN \$500,000.

Area to be leased lies directly beneath docks, and walkway, plus a necessary use area 10 feet in width in front of proposed dock. EXCEPTING THEREFROM any portion lying above the ordinary high water mark.

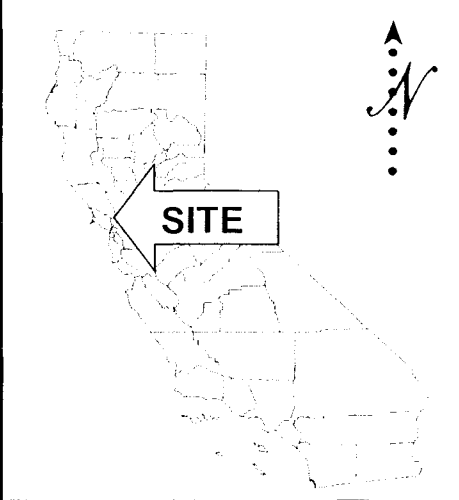


This exhibit is solely for purposes of generally defining the lease premises, and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or other property.

Exhibit A
WP 5526



**Exhibit B
WP 5526**



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.
Map Source: USGS

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BB 4/2007