

MINUTE ITEM
This Calendar Item No. C20 was approved as
Minute Item No. 20 by the California State Lands
Commission by a vote of 3 to 0 at its
09-13-07 meeting.

**CALENDAR ITEM
C20**

A 15

09/13/07

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PRC 8717

WP 8717.1
B. Badeker

**GENERAL LEASE - FARM EQUIPMENT STORAGE
AND PROTECTIVE STRUCTURE USE**

APPLICANTS:

John Fitch Wilcox, IV
Richard Elwood Wilcox

AREA, LAND TYPE, AND LOCATION:

1.565 acres, more or less, of filled and unfilled sovereign lands in the
Sacramento River, near Isleton, Sacramento County.

AUTHORIZED USE:

Storage of farm equipment and the use and maintenance of bank protection as
shown on Exhibit A.

LEASE TERM:

Five years, beginning October 1, 2007.

CONSIDERATION:

Storage of Farm Equipment: \$563 per year, with the State reserving the right
to fix a different rent periodically during the lease term, as provided in the lease.

Bank Protection: The public use and benefit, with the State reserving the right
at any time to set a monetary rent if the Commission finds such action to be in
the State's best interest.

SPECIFIC LEASE PROVISIONS:

Insurance: Liability insurance with coverage of no less than \$1,000,000.

Other: No fueling or maintenance of vehicles or equipment will take place on the
Lease Premises.

Lessee shall not store chemicals or fertilizers on the Lease Premises.

CALENDAR ITEM NO. C20 (CONT'D)

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On June 5, 1979, as part of a settlement of litigation, the Commission authorized the issuance of a General Lease – Agricultural Use, beginning October 1, 1982 for a term of 20 years with a right to renew for an additional 20-year term, provided that the option must be exercised by providing the Commission a six month written notice. Failure to provide such notice constitutes a waiver of the option. The lease expired on September 30, 2002, and the option to renew was not exercised. The Lease has been in hold-over status since the expiration date and the annual rent was paid during the holdover period.
3. The Applicant is now applying for a new General Lease – Farm Equipment Storage and Protective Structure Use for the continued storage of farm equipment and for the retention, use and maintenance of bank protection not previously authorized by the Commission. The temporary storage of clean farm implements does not interfere with current public trust needs in the area. Therefore staff is recommending issuance of a five-year lease.
4. The bank protection mutually benefits both the public and the Applicants. The bank of the Sacramento River will have the additional protection from wave action provided at no cost to the public.
5. **Storage of Farm Equipment:** 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.

6. **Bank Protection:** 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

CALENDAR ITEM NO. C20 (CONT'D)

project is exempt under Class 4, Minor Alterations to Land; Title 2, California Code of Regulations, section 2905 (d)(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. These activities involve 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.

EXHIBITS:

- A. Site and Location Map
- B. Land Description

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

STORAGE OF FARM EQUIPMENT: FIND THAT THIS 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).

BANK PROTECTION: FIND THAT THIS 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 4, MINOR ALTERATION TO LAND; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (d)(2).

SIGNIFICANT LANDS INVENTORY FINDING:

FIND THAT THESE ACTIVITIES ARE CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

CALENDAR ITEM NO. C20 (CONT'D)

AUTHORIZATION:

AUTHORIZE ISSUANCE TO JOHN FITCH WILCOX, IV AND RICHARD ELWOOD WILCOX OF A GENERAL LEASE – FARM EQUIPMENT STORAGE AND PROTECTIVE STRUCTURE USE, BEGINNING OCTOBER 1, 2007, FOR A TERM OF FIVE YEARS, FOR THE STORAGE OF FARM EQUIPMENT AND THE CONTINUED USE AND MAINTENANCE OF BANK PROTECTION AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; CONSIDERATION FOR THE AREA USED FOR THE STORAGE OF FARM EQUIPMENT, ANNUAL RENT IN THE AMOUNT OF \$563, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; AND FOR THE BANK PROTECTION, THE PUBLIC USE AND BENEFIT; WITH THE STATE RESERVING THE RIGHT AT ANY TIME TO SET A MONETARY RENTAL IF THE COMMISSION FINDS SUCH ACTION TO BE IN THE STATE'S BEST INTEREST; LIABILITY INSURANCE COVERAGE OF NO LESS THAN \$1,000,000.

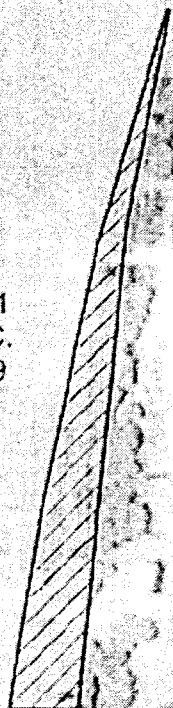
NO SCALE

SITE



PRC8717.1
1.565 AC.
APN 157-C110-029

Sacramento
River



SOVEREIGN LAND LOCATED SOUTH OF RIO VISTA ON THE LEFT BANK OF THE SACRAMENTO RIVER

NO SCALE

LOCATION

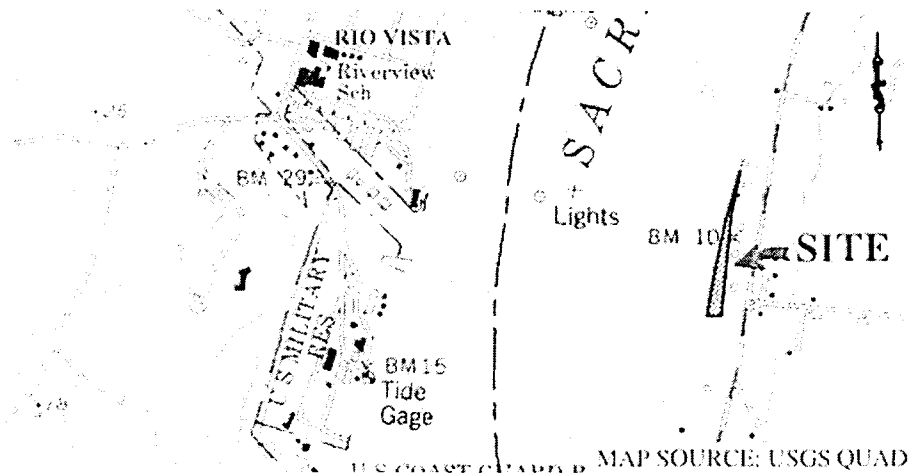


Exhibit A

PRC 8717.1
WILCOX
APN 157-0110-029
GENERAL LEASE
AGRICULTURAL USE
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.

000002

CALENDAR PAGE

002030

MINUTE PAGE

EXHIBIT B

PRC 8717.1

LAND DESCRIPTION

A parcel of tide and submerged land in the bed of the Sacramento River, situated in Sacramento County, California, more particularly described as follows:

Exhibit "C", Parcel 1, described in California State Lands Commission Boundary Line Agreement 194, filed in the official records of said County and State, on February 11, 1982, in Book 83-01-19, Page 736, which contains 1.565 acres, more or less.

END OF DESCRIPTION

Prepared 04/09/2007 by the California State Lands Commission Boundary Unit



000003

CALENDAR PAGE

002201

MINUTE PAGE