

**MINUTE ITEM**

This Calendar Item No. C21 was approved as  
Minute Item No. 21 by the California State Lands  
Commission by a vote of 3 to 0 at its  
12-03-07 meeting.

**Minute Item  
C21**

12/03/07

PRC 5637

WP 5637

J. McComas

**SHAWN BERRIGAN AND DIANE HOUSE  
(APPLICANTS)**

**Item C21 was moved from Consent to Regular.**

**Consent Calendar Item 21:** A presentation was made to the Commissioners for consideration of a new general lease for a commercial marina near the town of Courtland in Sacramento County. An amendment was made to the agenda item "to issue a notice of violation at its earliest possible time so that the 90-day period begins to run immediately." The item was approved as amended by a vote of 3-0.

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**C21**

A 8  
S 4

12/03/07  
WP 5637.1  
J. McComas

**GENERAL LEASE - COMMERCIAL USE**

**APPLICANTS:**

Shawn Berrigan and Diane House

**AREA, LAND TYPE, AND LOCATION:**

0.765 acres, more or less, of sovereign lands in the Sacramento River, town of Courtland, Sacramento County.

**AUTHORIZED USE:**

Operation, use and maintenance of a commercial marina facility, known as Courtland Docks, for the berthing of boats and an existing deck.

**LEASE TERM:**

Ten years, beginning October 22, 2007.

**CONSIDERATION:**

A minimum annual rent of \$2,100 against five percent of annual gross income from berthing and ten percent of gross income derived from all other activities conducted on or over the Lease Premises, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the Lease.

**SPECIFIC LEASE PROVISIONS:**

Insurance:

Combined single limit coverage of not less than \$2,000,000

Bond:

\$50,000

Other:

The lease contains provisions that the Applicants 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. Applicants shall post the

CALENDAR ITEM NO. C21 (CONT'D)

BMPs for “Guest Dock Users and Boaters” in prominent places within the Lease Premises. The Applicants shall provide the Commission, on the first anniversary of the lease and on every third anniversary thereafter, a report on compliance with all BMPs.

**BACKGROUND:**

Courtland Docks is a small marina located on the banks of the Sacramento River in Courtland, Sacramento County. The State’s sovereign lands at this location have been leased to several owners for the operation of the marina since 1968. On March 18, 1979, the Commission authorized a General Lease – Commercial Use to Jack Arbuckle dba Courtland Docks for the reconstruction and continued use and maintenance of the marina, which Lease expired on August 31, 1986. Over the next 12 years, ownership of the marina and the uplands has been transferred on several occasions. While applications for a new lease were received from several of the new owners, a lease was never issued.

Shawn Berrigan and Diane House (Applicants) purchased the uplands and the marina facilities on October 22, 2004, which included floating docks, boatlift, pilings, gangway, a platform, debris diverter.

**OTHER PERTINENT INFORMATION:**

1. The Applicants own the uplands adjoining the Lease Premises.
2. On April 4, 2005, the Applicants submitted an application for a new General Lease - Commercial Use. Since that time, the Applicants and Commission staff have been in negotiations for a new lease and back rent in the amount of \$5,895.
3. Currently the Marina consisting of approximately 530 linear feet of floating docks, a 5-foot by 25-foot boatlift, pilings, a 4-foot by 30-foot gangway, a 25-foot by 40-foot platform, debris diverter and a 20 foot deck.
4. **FLOATING DOCKS AND GANGWAY:** Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), the staff had 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).

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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. **DECK:** Pursuant to the Commissions' 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.

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 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
- B. Land Description

**RECOMMENDED ACTION:**

IT IS RECOMMENDED THAT THE COMMISSION:

**CEQA FINDING:**

**FLOATING DOCKS AND GANGWAY:** 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).

**DECK:** 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

CALENDAR ITEM NO. C21 (CONT'D)

CONSTRUCTION OF SMALL STRUCTURES; TITLE 2, CALIFORNIA CODE OF REGULATIONS, SECTION 2905 (c)(1).

**SIGNIFICANT LANDS INVENTORY FINDING:**

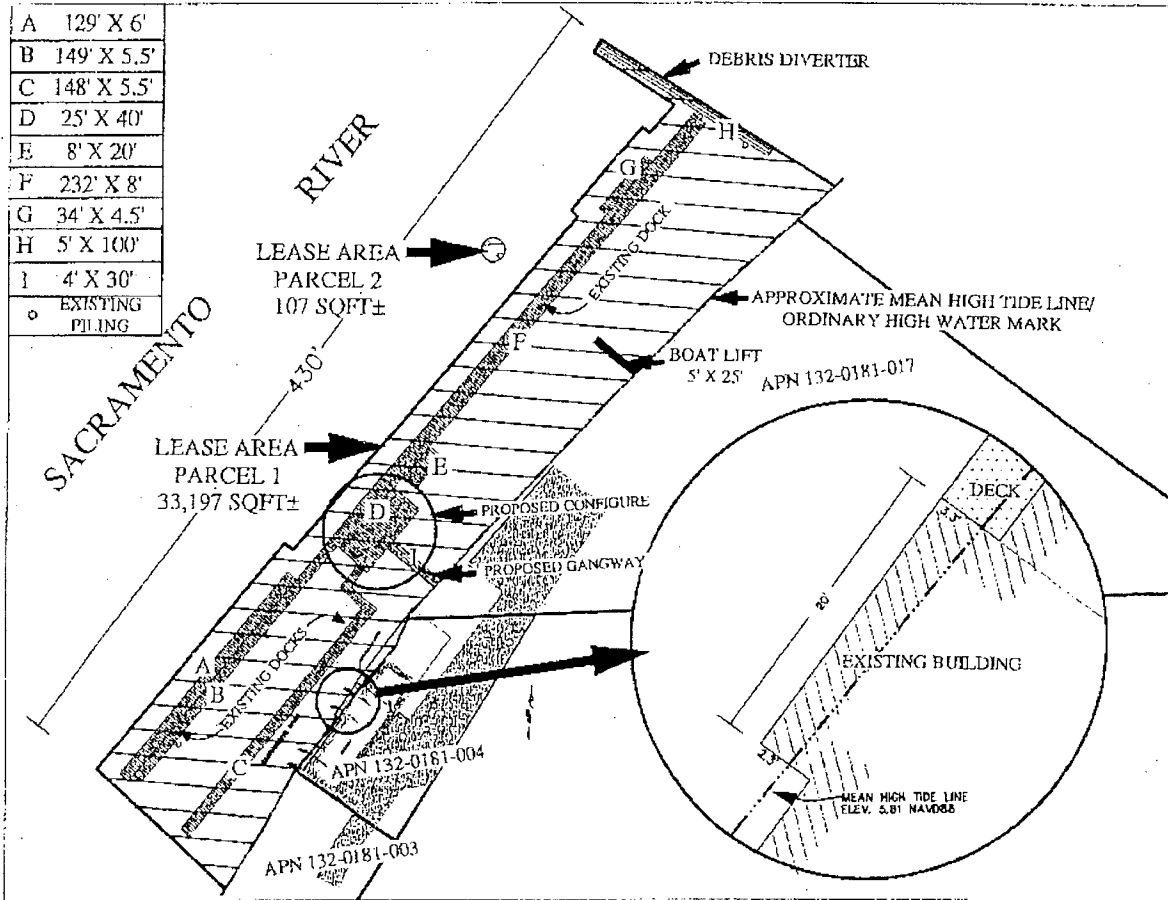
FIND THAT THIS ACTIVITY IS CONSISTENT WITH THE USE CLASSIFICATION DESIGNATED BY THE COMMISSION FOR THE LAND PURSUANT TO PUBLIC RESOURCES CODE SECTIONS 6370, ET SEQ.

**AUTHORIZATION:**

AUTHORIZE ISSUANCE TO SHAWN BERRIGAN AND DIANE HOUSE OF A GENERAL LEASE - COMMERCIAL USE, BEGINNING OCTOBER 22, 2007, FOR A TERM OF TEN YEARS, FOR THE OPERATION, USE AND MAINTENANCE OF A COMMERCIAL MARINA FOR THE BERTHING OF BOATS AND AN EXISTING DECK AS SHOWN ON EXHIBIT A AND DESCRIBED AS SHOWN ON EXHIBIT B ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; WITH CONSIDERATION BEING A MINIMUM ANNUAL RENT OF \$2,100 AGAINST FIVE PERCENT OF GROSS INCOME FROM BERTHING AND TEN PERCENT OF GROSS INCOME DERIVED FROM ALL OTHER ACTIVITIES CONDUCTED ON OR OVER THE LEASE PREMISES, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE TERM OF THE LEASE, AS PROVIDED IN THE LEASE; ACCEPT PAYMENT IN THE AMOUNT OF \$5,895 FOR RENT FOR THE PERIOD OF OCTOBER 22, 2004 THROUGH OCTOBER 21, 2007; LIABILITY INSURANCE WITH COMBINED SINGLE LIMIT COVERAGE OF NOT LESS THAN \$2,000,000; AND A BOND IN THE AMOUNT OF \$50,000.

NO SCALE

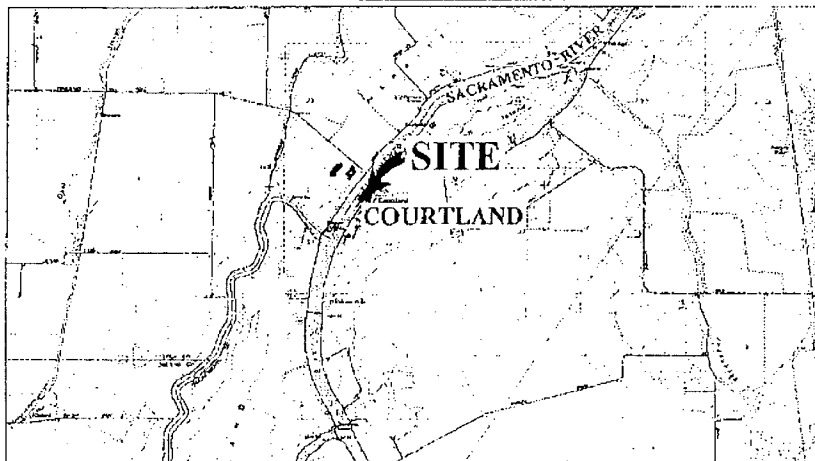
### SITE



COURTLAND DOCKS, SACRAMENTO RIVER  
11740 HIGHWAY 160 COURTLAND, CA

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

**Exhibit A**  
 PRC 5637.1  
 BERRIGAN/HOUSE  
 APN 132-0181-004  
 GENERAL LEASE  
 COMMERCIAL USE  
 SACRAMENTO COUNTY



CJ11 11/20/2007

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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.

# EXHIBIT B

WP5637

## LAND DESCRIPTION

Two (2) parcels of tide and submerged land situated in the bed of the Sacramento River, Sacramento County, California more particularly described as follows:

### Parcel 1

BEGINNING at a point on the left bank of said river which bears S 40°20'46" W, 3991.10 feet from NGS brass cap monument "Courtland", point ID JS4311 having a CCS83 (2002.84 epoch) coordinate of N=1,886,023.03 E=6,687,547.24; thence northeasterly, along said bank N 42°28'02" E, 288.77 feet; thence leaving said bank N 58°24'41" W, 144.23 feet; thence S 31°35'19" W, 7.08 feet; thence S 57°07'07" E, 47.28 feet; thence S 40°57'57" W, 18.01 feet; thence N 48°57'42" W, 4.46 feet; thence S 41°02'18" W, 53.28 feet; thence S 48°57'42" E, 4.53 feet; thence S 40°57'57" W, 212.62 feet; thence N 49°53'54" W, 5.12 feet; thence S 40°06'06" W, 142.51 feet; thence S 47°58'55" E, 94.85 feet to said bank; thence N 39°11'02" E, 163.46 feet along said bank to the POINT OF BEGINNING.

### Parcel 2

A circular parcel with 6 foot radius whose center bears S 41°55'55" W, 3837.46 feet from aforementioned NGS monument.

EXCEPTING THEREFROM that portion of either parcel lying landward of the ordinary high water mark.

The basis of bearings for this description is California Coordinate System 1983, zone 2. All bearings and distances are grid and in feet.

END OF DESCRIPTION

Prepared 11/27/07 by California State Lands Commission boundary unit.

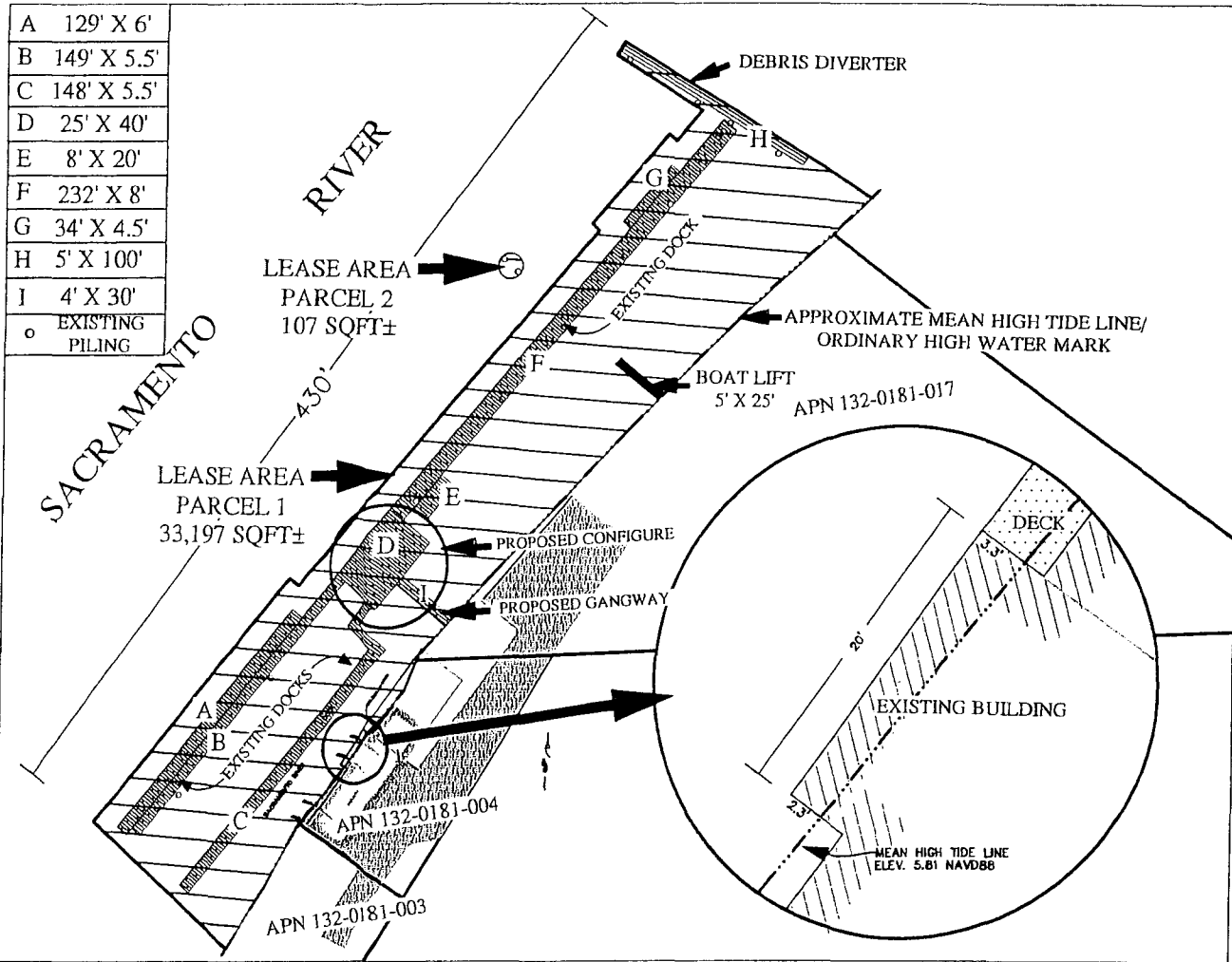


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NO SCALE

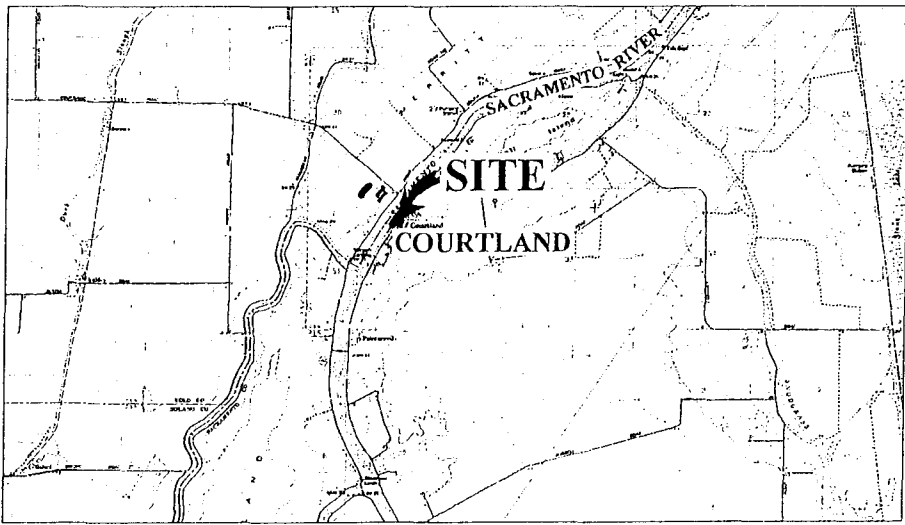
# SITE



COURTLAND DOCKS, SACRAMENTO RIVER  
11740 HIGHWAY 160 COURTLAND, CA

NO SCALE

# LOCATION



MAP SOURCE: USGS QUAD

# Exhibit A

PRC 5637.1  
 BERRIGAN/HOUSE  
 APN 132-0181-004  
 GENERAL LEASE  
 COMMERCIAL USE  
 SACRAMENTO COUNTY



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