

**CALENDAR ITEM
C27**

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03/25/08
WP 2220.1
V. Caldwell

**CONSIDER RATIFICATION OF ASSIGNMENTS,
ACCEPTANCE OF A LEASE QUITCLAIM DEED,
AND ISSUANCE OF A GENERAL LEASE – COMMERCIAL USE**

LESSEES:

Robert N. Fulton and Kim Anette Fulton

APPLICANT:

Guadalupe Ayala
dba Wards Boat Landing
73 Walnut Tree Drive
Colusa, CA 95932

AREA, LAND TYPE, AND LOCATION:

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

AUTHORIZED USE:

Continued operation, use, and maintenance of an existing commercial marina facility, known as Wards Boat Landing.

NEW LEASE TERM:

Ten years, beginning February 26, 2008.

NEW CONSIDERATION:

Annual rent of \$564 per year; with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

NEW SPECIFIC LEASE PROVISIONS:

Insurance:

Combined single limit coverage of not less than \$1,000,000

Surety Bond:

\$5,000

CALENDAR ITEM NO. **C27** (CONT'D)

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 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.

OTHER PERTINENT INFORMATION:

1. Applicant owns the uplands adjoining the lease premises.
2. On December 16, 1980, the Commission approved a 30-year General Lease - Commercial Use to Mark and Patricia Nugent for an existing commercial marina with a beginning date of January 1, 1979. On July 12, 1984, the Commission approved an assignment to George and Eunice Beckham. On June 30, 1988, the Commission approved an Assignment to Robert N. Fulton and Kim Anette Fulton. The lease expires on December 31, 2008.
3. On December 28, 1999, the uplands were acquired by Guadalupe Ayala and Marco De La Torre without the benefit of the Commission approving the assignment of the Lease. The uplands were subsequently transferred on February 26, 2004, solely to Guadalupe Ayala who is surrendering the Lease, has quitclaimed any interest he may have, and has now applied for a new General Lease - Commercial Use.
4. The marina facilities consist of four uncovered floating boat docks with side ties attached by deadman cables, two ramps and a boat launch ramp. The marina facilities are generally open six months each year from late spring to late fall depending on the river flows.
5. **Ratification of Assignments and Acceptance of a Lease Quitclaim Deed:** Pursuant to the Commission's delegation of authority and the State CEQA guidelines [Title 14, California Code or Regulations, section 15060(c)(3)], the staff has determined that this activity is not subject to the

CALENDAR ITEM NO. **C27** (CONT'D)

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.

6. **Issuance of New Lease:** 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.

EXHIBITS:

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

RECOMMENDED ACTION:

IT IS RECOMMENDED THAT THE COMMISSION:

CEQA FINDING:

RATIFICATION OF ASSIGNMENTS AND ACCEPTANCE OF LEASE QUITCLAIM DEED: FIND THAT THE ACTIVITY IS NOT SUBJECT TO 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.

CALENDAR ITEM NO. **C27** (CONT'D)

ISSUANCE OF NEW LEASE: 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. RATIFY THE ASSIGNMENT FROM ROBERT N. FULTON AND KIM ANETTE FULTON TO MARCO DE LA TORRE AND GUADALUPE AYALA.
2. RATIFY THE ASSIGNMENT FROM MARCO DE LA TORRE AND GUADALUPE AYALA TO GUADALUPE AYALA.
3. AUTHORIZE ACCEPTANCE OF A LEASE QUITCLAIM DEED FROM GUADALUPE AYALA.
4. AUTHORIZE ACCEPTANCE OF BACK RENT IN THE AMOUNT OF \$2,256 FROM FEBRUARY 26, 2004, TO FEBRUARY 25, 2008, AND WAIVE ANY PENALTY AND INTEREST THAT MAY HAVE ACCRUED.
5. AUTHORIZE ISSUANCE OF A GENERAL LEASE - COMMERCIAL USE TO GUADALUPE AYALA BEGINNING FEBRUARY 26, 2008, FOR A TERM OF TEN YEARS, FOR THE CONTINUED OPERATION, USE, AND MAINTENANCE OF AN EXISTING COMMERCIAL MARINA AS SHOWN ON EXHIBIT A ATTACHED AND BY THIS REFERENCE MADE A PART HEREOF; ANNUAL RENT IN THE AMOUNT OF \$564, WITH THE STATE RESERVING THE RIGHT TO FIX A DIFFERENT RENT PERIODICALLY DURING THE LEASE TERM, AS PROVIDED IN THE LEASE; LIABILITY INSURANCE WITH COMBINED SINGLE

CALENDAR ITEM NO. **C27** (CONT'D)

LIMIT COVERAGE OF NOT LESS THAN \$1,000,000; AND A SURETY BOND IN THE AMOUNT OF \$5,000.

CALENDAR PAGE

MINUTE PAGE
