

**CALENDAR ITEM
C16**

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12/10/10
WP 8424.1
M. Clark

**TERMINATION OF A GENERAL LEASE – RECREATIONAL USE
AND ISSUANCE OF A GENERAL LEASE – RECREATIONAL
AND PROTECTIVE STRUCTURE USE**

LESSEE:

Jon-Mark Chappellet

APPLICANTS:

James M. Talcott and Patricia Dykema as Joint Tenants and Trustees of the James M. Talcott Revocable Trust dated March 16, 2006

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Napa River, adjacent to 1864 Milton Road, city of Napa, Napa County.

AUTHORIZED USE:

Continued use and maintenance of an existing uncovered floating boat dock, gangway, platform with railing, and eight pilings; and the retention of existing bank protection as shown on Exhibit A.

LEASE TERM:

10 years, beginning August 5, 2010.

CONSIDERATION:

Uncovered Floating Boat Dock, Gangway, and Eight Pilings: No monetary consideration pursuant to Public Resources Code section 6503.5.

Platform with Railing: \$50 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.

CALENDAR ITEM NO. **C16** (CONT'D)

SPECIFIC LEASE PROVISIONS:

1. Liability insurance in the amount of no less than \$1,000,000.

OTHER PERTINENT INFORMATION:

1. Applicants own the uplands adjoining the lease premises.
2. On October 1, 2002, the Commission authorized a General Lease – Recreational Use to Jon-Mark Chappellet. The lease will expire August 31, 2012. The upland property was deeded to James M. Talcott and Patricia Dykema as Joint Tenants and Trustees of the James M. Talcott Revocable Trust dated March 16, 2006. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.
3. The Applicants qualify for the rent-free use of the uncovered floating boat dock, gangway, and eight pilings, because the Applicants are natural persons who own the littoral land that is improved with a single-family dwelling. The Applicants do not qualify for the rent-free use of the platform with railing because the platform is not used for the docking and mooring of boats.
4. The bank protection will mutually benefit both the public and the Applicants. The bank of the Napa River will have the additional protection from wave action provided at no cost to the public.
5. **Termination of an Existing Lease:** Pursuant to the Commission’s delegation of authority and State CEQA Guidelines [Title 14, California Code of Regulations, section 15060(c)(3)], staff has determined this activity is not subject to the provisions of CEQA because it is not a “project” as defined by 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. **Uncovered Floating Boat Dock, Platform with Railing, Gangway, and Eight Pilings:** Pursuant to the Commission’s delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of 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).

CALENDAR ITEM NO. **C16** (CONT'D)

Authority: Public Resources Code of section 21084 and Title 14, California Code of Regulations, section 15300 and Title 2, California Code of Regulations, section 2905.

7. **Bank Protection:** Pursuant to the Commission's delegation of authority and State CEQA Guidelines (Title 14, California Code of Regulations, section 15061), staff has determined this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 4, Minor Alteration 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.

8. 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 staff's opinion that the project, as proposed, is consistent with its use classification.

EXHIBIT:

- A. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

CEQA FINDING:

Termination of an Existing Lease: Find that the activity is not subject to the requirements of 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.

Uncovered Floating Boat Dock, Platform with Railing, Gangway, and Eight Pilings: Find that the activity is exempt from the requirements of 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 the activity is exempt from the requirements of CEQA pursuant to Title 14, California Code of Regulations, section

CALENDAR ITEM NO. C16 (CONT'D)

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 the 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. Authorize the termination of General Lease – Recreational Use, Lease No. PRC 8424.1, issued to Jon-Mark Chappellet on October 1, 2002, effective on August 4, 2010.

2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to James M. Talcott and Patricia Dykema as Joint Tenants and Trustees of the James M. Talcott Revocable Trust dated March 16, 2006, beginning August 5, 2010, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, platform with railing, gangway, and eight pilings; and the retention of existing bank protection, as shown on Exhibit A attached and by this reference made a part hereof; consideration for the uncovered floating boat dock, gangway, and eight pilings: no monetary consideration pursuant to Public Resources Code section 6503.5; consideration for the existing platform: 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; consideration 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; and liability insurance in the amount of no less than \$1,000,000.