

**CALENDAR ITEM  
C39**

A 15  
S 5

03/29/12  
WP 3231.1  
N. Lavoie

**GENERAL LEASE – RECREATIONAL AND  
PROTECTIVE STRUCTURE USE**

**APPLICANT:**

Bobbie J. Collier

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

Sovereign land in the Sacramento River, adjacent to 17484 Grand Island Road, near Walnut Grove, Sacramento County.

**AUTHORIZED USE:**

The continued use and maintenance of an existing pier, one two-piling dolphin, one three-piling dolphin, one five-piling dolphin, and bank protection.

**LEASE TERM:**

10 years, beginning March 29, 2012.

**CONSIDERATION:**

**Pier, one two-piling dolphin, one three-piling dolphin, and one five-piling dolphin:** \$188 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:**

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

**OTHER PERTINENT INFORMATION:**

1. Applicant owns the upland adjoining the lease premises.
2. On June 27, 2000, the Commission authorized a General Lease – Recreational and Protective Structure Use, Lease No. PRC 3231.9, to Neil Collier and Bobbie J. Collier. That lease expired on May 28, 2010. Neil

CALENDAR ITEM NO. **C39** (CONT'D)

Collier has since passed away and the Applicant is now applying for a new General Lease – Recreational and Protective Structure Use.

3. On October 8, 2011, Chapter 585, Statutes of 2011 became law. The law is effective January 1, 2012. This new law repeals section 6503.5 of the Public Resources Code, which had allowed rent-free use of State-owned land by certain private parties for their recreational piers. It replaced the former section with a new section 6503.5 which provides that the State Lands Commission “shall charge rent for a private recreational pier constructed on state lands.” The law provides for two exceptions to the imposition of rent. Those exceptions are for:
  - A. A lease in effect on July 1, 2011 through the remaining term of that lease. If a lease in effect on July 1, 2011 expires or is otherwise terminated, any new lease will be subject to rent; and
  - B. A lease for which the lease application and application fees were submitted to the Commission prior to March 31, 2011.

The Applicant does not qualify for an exception and the lease is subject to rent because the application was received after March 31, 2011.

4. The bank protection will mutually benefit both the public and the Applicant. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
5. Pursuant to the Commission’s delegation of authority and the State CEQA Guidelines (Cal. Code Regs., tit. 14, § 15061), the staff has determined that this activity is exempt from the requirements of CEQA as a categorically exempt project. The project is exempt under Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

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

6. This activity involves lands identified as possessing significant environmental values pursuant to Public Resources Code section 6370 et seq., but such activity will not affect those significant lands. 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.

CALENDAR ITEM NO. **C39** (CONT'D)

**EXHIBITS:**

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

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

Find that the activity is exempt from the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15061 as a categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (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 section 6370 et seq.

**AUTHORIZATION:**

Authorize issuance of a General Lease – Recreational and Protective Structure Use to Bobbie J. Collier beginning March 29, 2012, for a term of 10 years, for the continued use and maintenance of an existing pier, one two-piling dolphin, one three-piling dolphin, one five-piling dolphin, and bank protection as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; consideration for the pier, one two-piling dolphin, one three-piling dolphin, and one five-piling dolphin: \$188 per year, 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.

**EXHIBIT A**

**PRC 3231.1**

**LAND DESCRIPTION**

Three Parcels of tide and submerged lands lying in the bed of the Sacramento River, County of Sacramento, State of California, more particularly described as follows:

**PARCEL 1**

A strip of land 15 feet wide, lying southerly of a line which **BEGINS** at the southwest corner of that parcel of land described in the Grant Deed recorded on May 4, 1971 in Book 71-05-04, Page 811, Official Records of said County, thence easterly along the southerly line of said parcel 375 feet to the **POINT OF TERMINATION**.

**EXCEPTING THEREFROM** all that portion lying landward of the Adjudicated Ordinary High Water Mark of the Sacramento River as described in SCC Judgment No. 139795.

**PARCEL 2**

A strip of land 18 feet wide, the centerline of which **BEGINS** at a point on the centerline of an existing boarding ramp lying adjacent to and southerly of that parcel of land described in the Grant Deed recorded on May 4, 1971 in Book 71-05-04, Page 811, Official Records of said County; thence southerly along the centerline of said boarding ramp, or the prolongation thereof, 90 feet to the **POINT OF TERMINATION**.

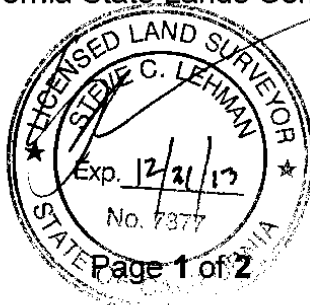
The Sidelines of said strip shall be prolonged or shortened so as to commence at the Adjudicated Ordinary High Water Mark of the Sacramento River as described in SCC Judgment No. 139795, and terminate perpendicular to the end of said strip.

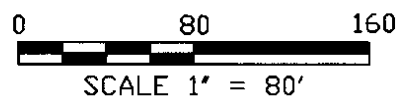
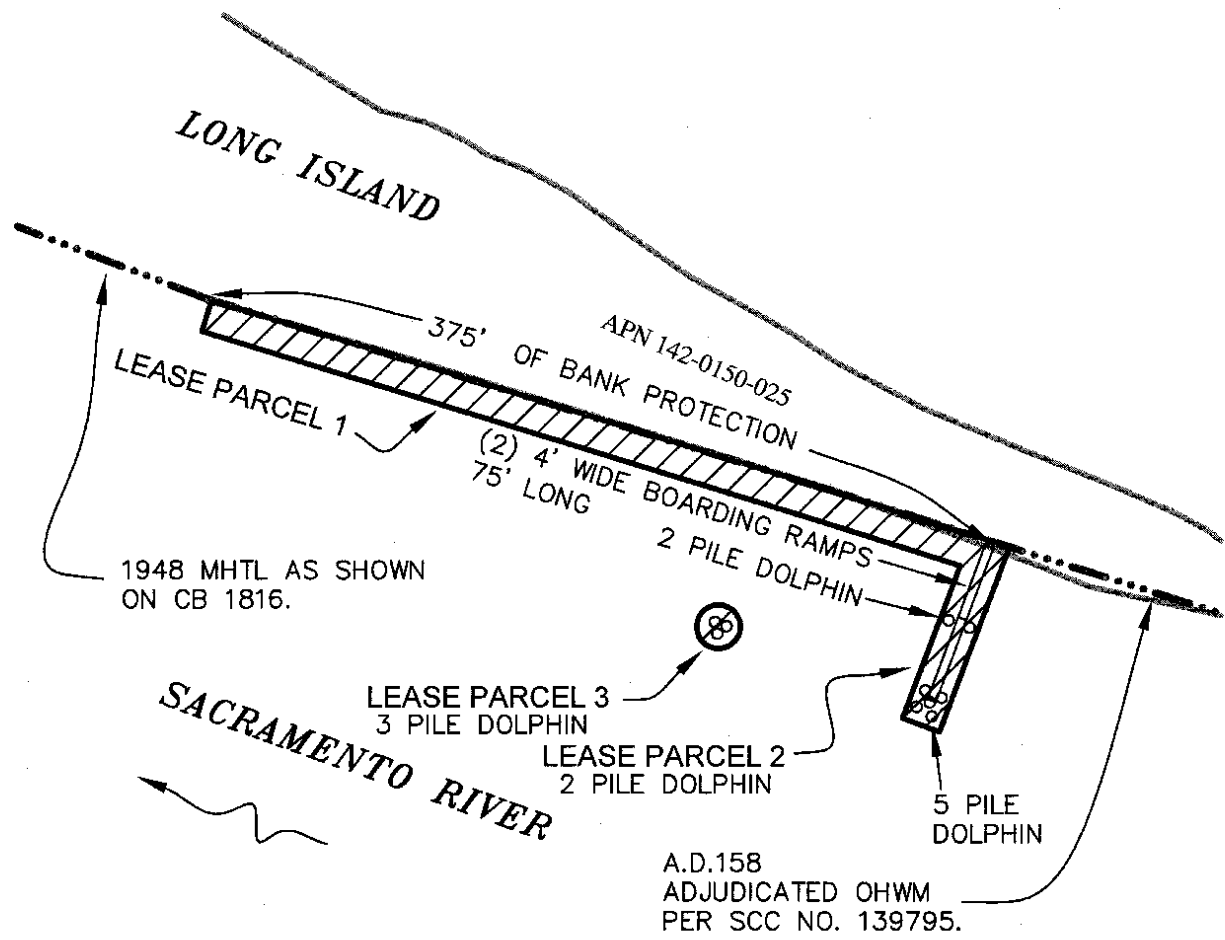
**PARCEL 3**

A circular parcel of land having a radius of 10 feet, lying beneath a 3 Pile Dolphin, said Dolphin lying adjacent to and southerly of that parcel of land described in the Grant Deed recorded on May 4, 1971 in Book 71-05-04, Page 811, Official Records of said County.

**END OF DESCRIPTION**

Prepared 1/19/2012 by the California State Lands Commission Boundary Unit.





**EXHIBIT A**

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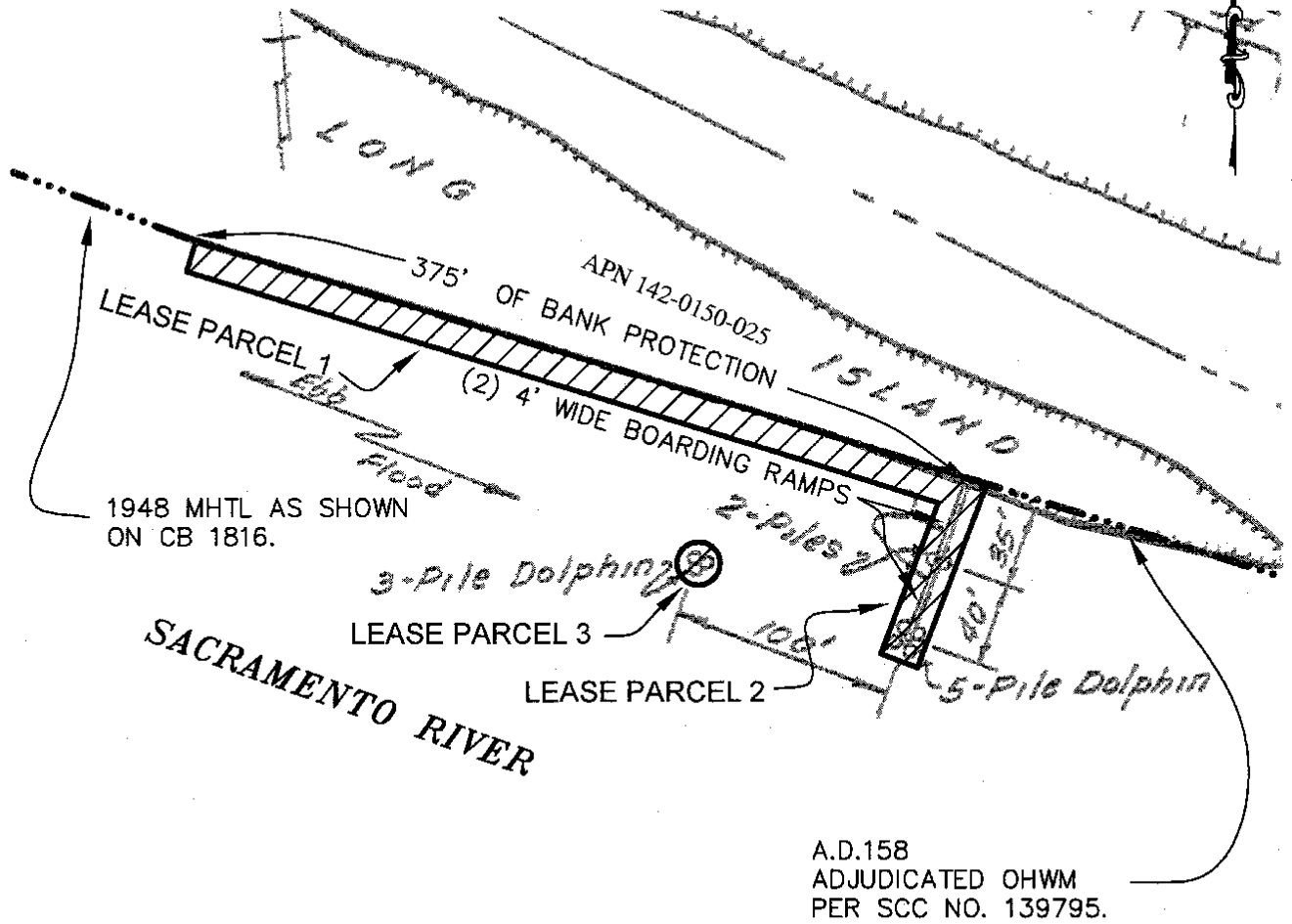
LAND DESCRIPTION PLAT  
PRC 3231.1, COLLIER  
SACRAMENTO COUNTY

CALIFORNIA STATE  
LANDS COMMISSION



NO SCALE

### SITE

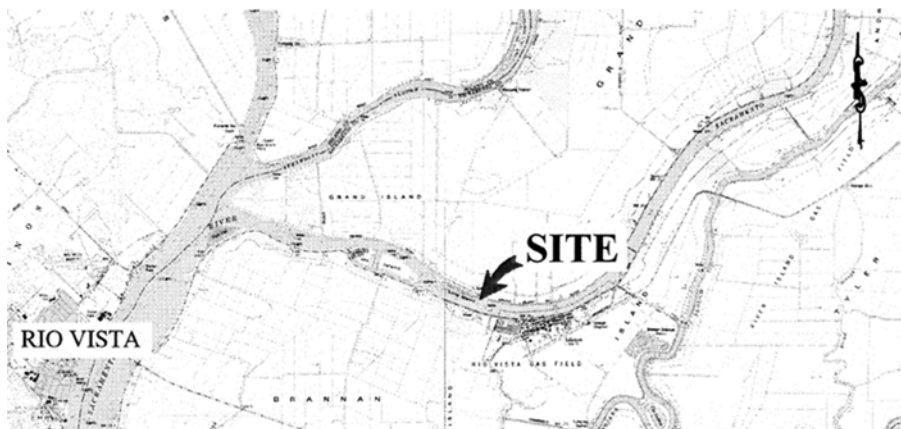


A.D.158  
ADJUDICATED OHWM  
PER SCC NO. 139795.

17484 GRAND ISLAND RD., WALNUT GROVE

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 3231.1  
COLLIER  
APN 142-0150-025  
GENERAL LEASE -  
RECREATIONAL &  
PROTECTIVE STRUCTURE 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.

DJF 01/19/12