

**CALENDAR ITEM  
C25**

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08/14/12

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PRC 5029.1

N. Lavoie

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

**APPLICANTS:**

Jane C. Crable and Richard E. Crable, Trustees of The Jane C. and Richard E. Crable Living Trust

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

Sovereign land in the Sacramento River, adjacent to 2145 Garden Highway, near the city of Sacramento, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered floating boat dock, four pilings, and ramp previously authorized by the Commission, and use and maintenance of existing bank protection not previously authorized by the Commission.

**LEASE TERM:**

10 years, beginning April 26, 2012.

**CONSIDERATION:**

**Uncovered Floating Boat Dock, Four Pilings, and Ramp:** \$268 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 with coverage of no less than \$1,000,000.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.

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2. On February 21, 2003, the Commission authorized a Recreational Pier Lease to the Jane C. and Richard E. Crable Living Trust beginning April 26, 2002, for a 10-year term. That lease expired April 25, 2012. The Applicants are 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 became 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 Applicants do not qualify for an exception and the lease is subject to rent because the application was received on September 15, 2011.

4. The Applicants’ bank protection has been in place for many years, but was not previously authorized by the Commission. Staff recommends approval of the existing bank protection within the lease premises.
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

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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. 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 Jane C. Crable and Richard E. Crable, Trustees of The Jane C. and Richard E. Crable Living Trust, beginning April 26, 2012, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, four pilings, and ramp previously authorized by the Commission and the use and maintenance of existing bank protection not previously authorized by the Commission 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 uncovered floating boat dock, four pilings, and ramp: \$268 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 rent if the Commission finds such action to be in the State's best interest; and liability insurance with coverage of no less than \$1,000,000.

**EXHIBIT A**

**PRC 5029.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the Sacramento River, lying adjacent to Swamp and Overflow Survey No.183, patented February 1, 1866, County of Sacramento, State of California, and more particularly described as follows:

All those lands underlying an existing floating boat dock, pilings, and ramp adjacent to Lot 16 described in that Grant Deed recorded April 26, 2002 in Book 20020426, Page 2308 in Official Records of said County.

TOGETHER WITH a 10 foot use area.

ALSO TOGETHER WITH those lands lying immediately beneath any bank protection adjacent to said Lot.

EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

Accompanying plat is hereby made a part of this description.

**END OF DESCRIPTION**

Prepared December 5, 2011 by the California State Lands Commission Boundary Unit.



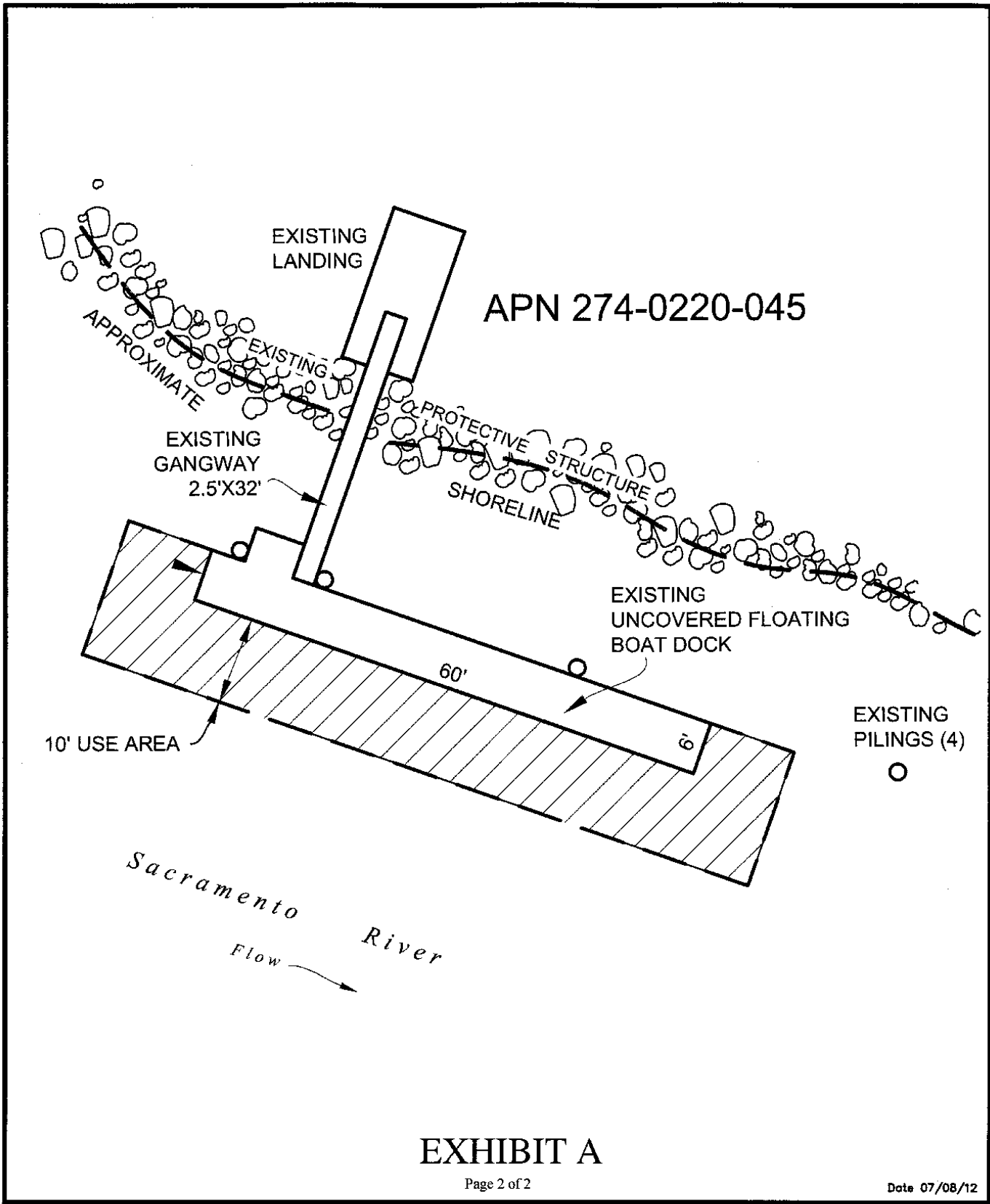


EXHIBIT A

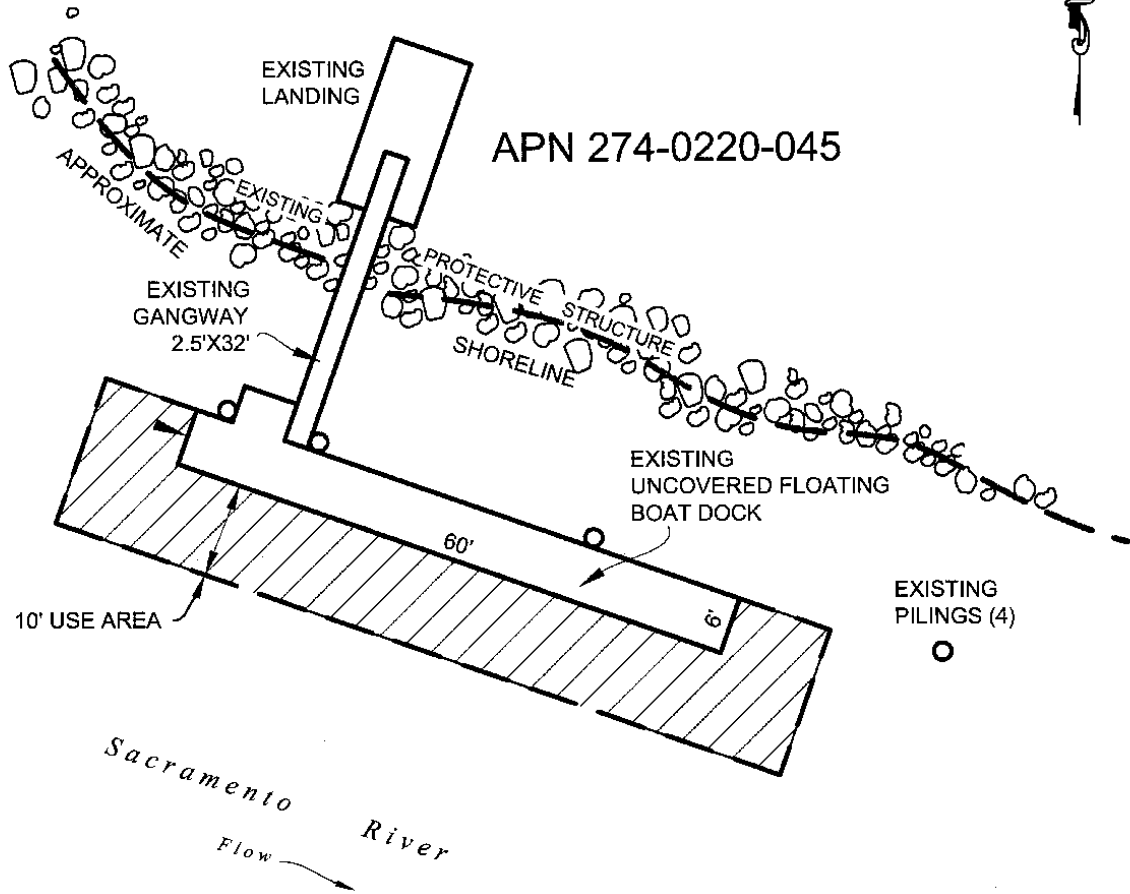
LAND DESCRIPTION  
 PRC 5029.1, CRABLE  
 SACRAMENTO COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

### SITE



2145 GARDEN HIGHWAY, NEAR SACRAMENTO

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 5029.1  
 CRABLE  
 APN 274-0220-045  
 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.

MJJ 7/08/12