

**CALENDAR ITEM  
C29**

A 15  
S 5

08/14/12  
PRC 8407.1  
N. Lavoie

**GENERAL LEASE – RECREATIONAL USE**

**APPLICANTS:**

Kevin P. Steward and Lori A. Steward

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

Sovereign land in the Sacramento River, adjacent to Assessor's Parcel Number 156-0010-063, near Walnut Grove, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of an existing uncovered floating boat dock, gangway, and five pilings.

**LEASE TERM:**

10 years, beginning July 1, 2012.

**CONSIDERATION:**

\$143 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

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

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.
2. On June 18, 2002, the Commission authorized a Recreational Pier Lease to Kevin P. and Lori A. Steward, effective July 1, 2002. That lease expired on June 30, 2012. The Applicants are now applying for a new General Lease – Recreational 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

CALENDAR ITEM NO. **C29** (CONT'D)

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 to the recently enacted changes to Section 6503.5 because the application was submitted after March 31, 2011.

- 4. 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.

- 5. 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.

**EXHIBIT:**

- 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

CALENDAR ITEM NO. **C29** (CONT'D)

categorically exempt project, Class 1, Existing Facilities; California Code of Regulations, Title 2, section 2905, subdivision (a)(2).

**SIGNIFICANT LAND 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 Use to Kevin P. Steward and Lori A. Steward, beginning July 1, 2012, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, gangway, and five pilings as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; annual rent in the amount of \$143 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; and liability insurance in the amount of no less than \$1,000,000.

**EXHIBIT A**

**PRC 8407.1**

**LAND DESCRIPTION**

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Swamp and Overflow Survey 326 patented September 5, 1864, in the County of Sacramento, State of California, and more particularly described as follows:

All those lands underlying an existing floating boat dock, gangway, concrete landing and five pilings lying adjacent to Parcel A as described in Exhibit "One" of that Grant Deed recorded November 27, 1995 as Document 199511270090 in Official Records of said County.

TOGETHER WITH a ten foot use area.

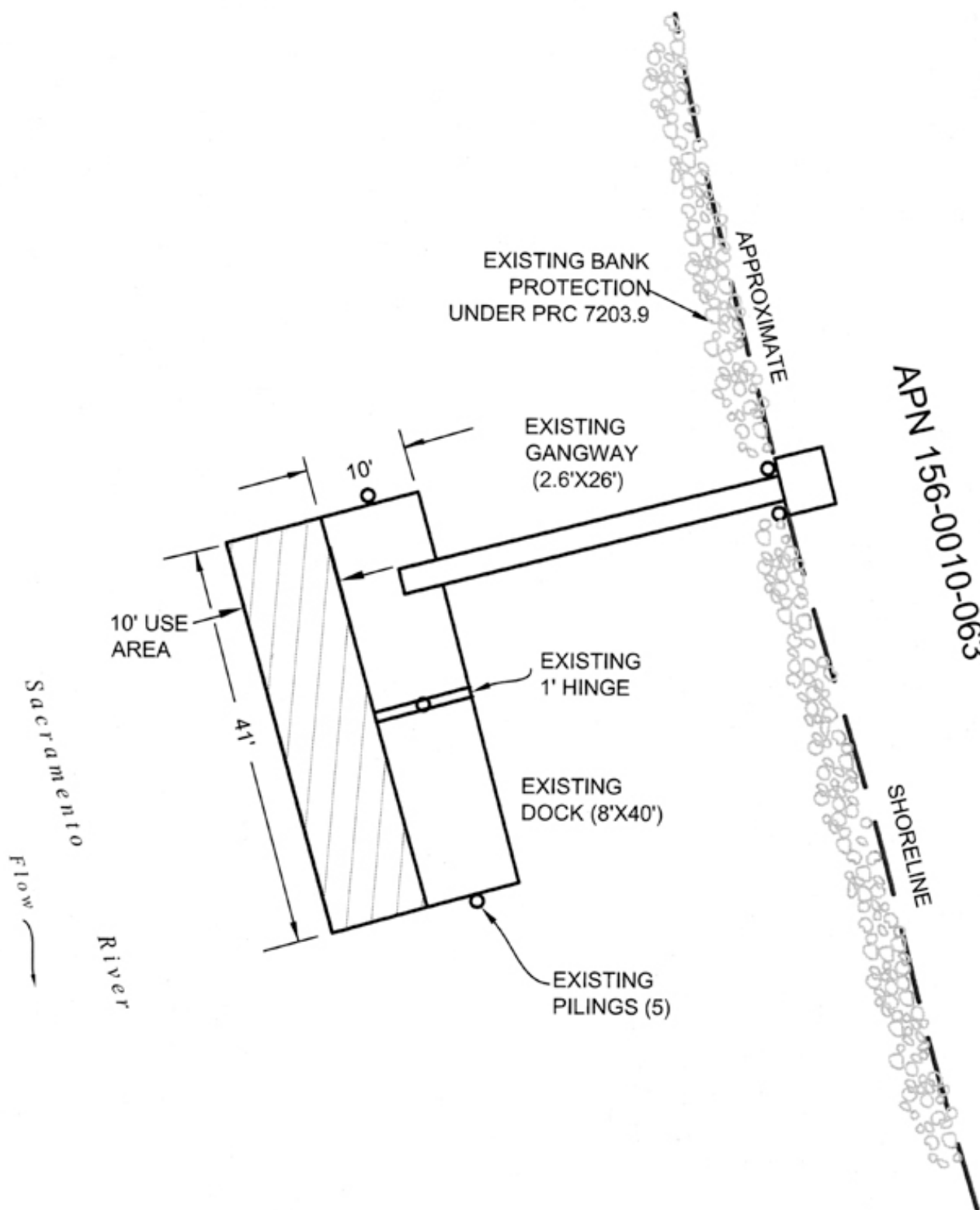
EXCEPTING THEREFROM any portion lying landward of the Ordinary High Water Mark of the left bank of the Sacramento River.

Accompanying plat is hereby made a part of this description.

**END OF DESCRIPTION**

Prepared May 23, 2012 by the California State Lands Commission Boundary Unit.





**EXHIBIT A**

Page 2 of 2

MJJ 05/25/12

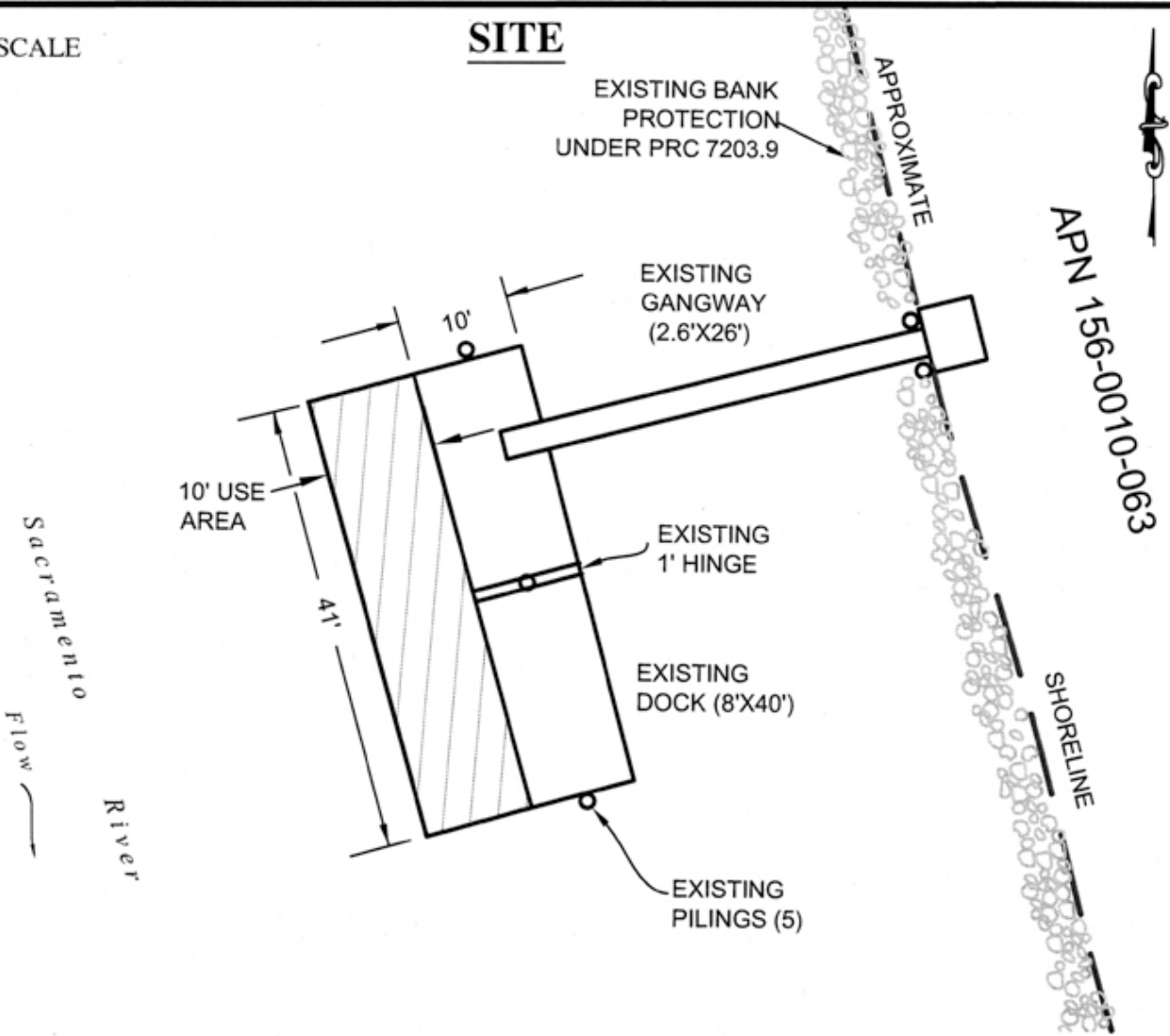
LAND DESCRIPTION PLAT  
 PRC 8407.1 STEWARD  
 SACRAMENTO COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION



NO SCALE

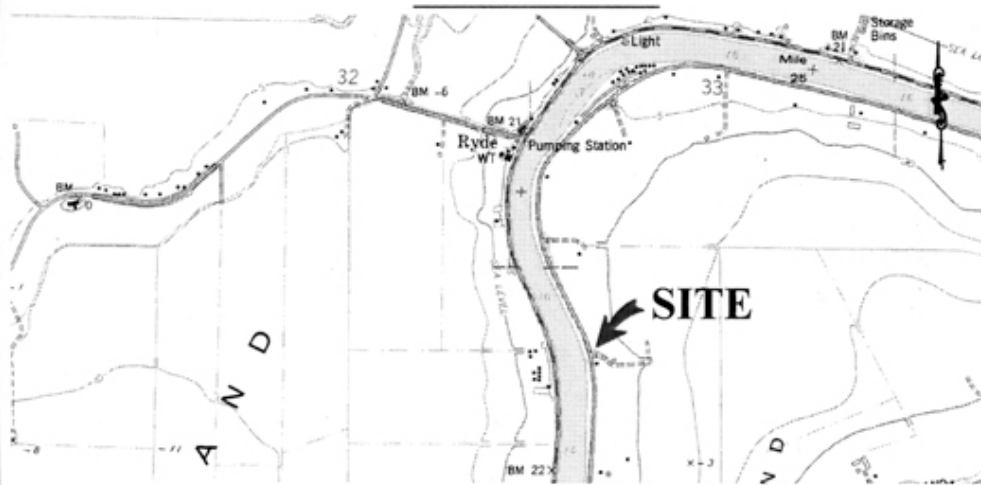
### SITE



NEAR WALNUT GROVE

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 8407.1  
 STEWARD  
 APN 156-0010-063  
 GENERAL LEASE -  
 RECREATIONAL 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 05/25/12