

**CALENDAR ITEM
C31**

A 15
S 5

08/14/12
W 26219
N. Lavoie

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

Claire A. Blake and James A. Resor

AREA, LAND TYPE, AND LOCATION:

Sovereign land in the Sacramento River, adjacent to 12163 River Road, near Courtland, Sacramento County.

AUTHORIZED USE:

Construction, use, and maintenance of an uncovered floating boat dock, walkway, three pilings, and water and electrical conduit.

LEASE TERM:

10 years, beginning August 14, 2012.

CONSIDERATION:

No monetary consideration pursuant to Public Resources Code section 6503.5.

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 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:

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- 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.

Because the application was submitted to the Commission prior to March 31, 2011, the lease meets the statutory requirements for an exception to recently-enacted changes to Section 6503.5 of the Public Resources Code for the term of this lease. Therefore, no rent will be charged.

- 3. The applicants are applying for a General Lease – Recreational Use to construct an uncovered floating boat dock, walkway, three pilings, and water and electrical conduit. The in-water construction work window is August 1 through October 31 and will consist of a crane barge to install pilings. The dock will be preassembled offsite and then be set into the waterway by the crane barge or floated into place.
- 4. The existing rip rap along the bank at this location is already under lease, Lease No. PRC 7203.9, to the Central Valley Flood Protection Board.
- 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 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

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.

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APPROVALS REQUIRED:

U.S. Army Corps of Engineers
U.S. Fish and Wildlife Service
National Oceanic and Atmospheric Administration, National Marine Fisheries
Service
Central Valley Flood Protection Board
California Department of Fish and Game

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 3, New Construction of Small Structures; California Code of Regulations, Title 2, section 2905, subdivision (c)(1).

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 Use to Claire A. Blake and James A. Resor beginning August 14, 2012, for a term of 10 years, for the construction, use, and maintenance of an uncovered floating boat dock, walkway, three pilings, and water and electrical conduits as described in Exhibit A and shown on Exhibit B (for reference purposes only) attached and by this reference made a part hereof; no monetary consideration pursuant to Public Resources Code section 6503.5; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

W 26219

LAND DESCRIPTION

A parcel of tide and submerged land situate on the left bank of the Sacramento River, lying adjacent to Lot 2, fractional Section 5 T5N, R4E, MDM, as shown on Official Government Township Plat approved June 18, 1859, County of Sacramento, State of California, and more particularly described as follows:

All those lands underlying a proposed floating boat dock, walkway and three (3) pilings adjacent to that parcel described in Exhibit A of that Grant Deed recorded January 24, 2005 in Book 20050124 Page 2473, of Official Records of said County.

TOGETHER WITH a 10 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.

This description is based on Applicant provided design plans found in the Application for Lease of State Lands for a proposed floating boat dock, together with any and all appurtenances pertaining thereto, to be built at a later date within the Lease time frame. This description is to be updated once final as-built plans are submitted.

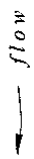
END OF DESCRIPTION

Prepared May 8, 2012, by the California State Lands Commission Boundary Unit.





Sacramento River



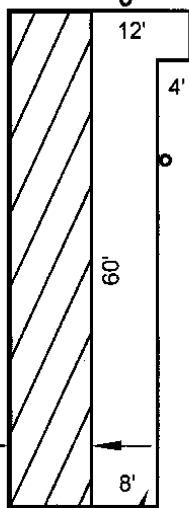
EXISTING RIP RAP
(LEASE NO. PRC 7203.9)

SHORELINE

CONCRETE LANDING
4'X4'

STAIRS

PILINGS
(3 TYP.)



WALKWAY
3'X50'

ELECTRICAL
CONDUIT

APPROXIMATE

10' USE
AREA

FLOATING
BOAT DOCK

APN 146-0010-027

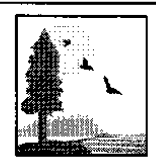
EXHIBIT A

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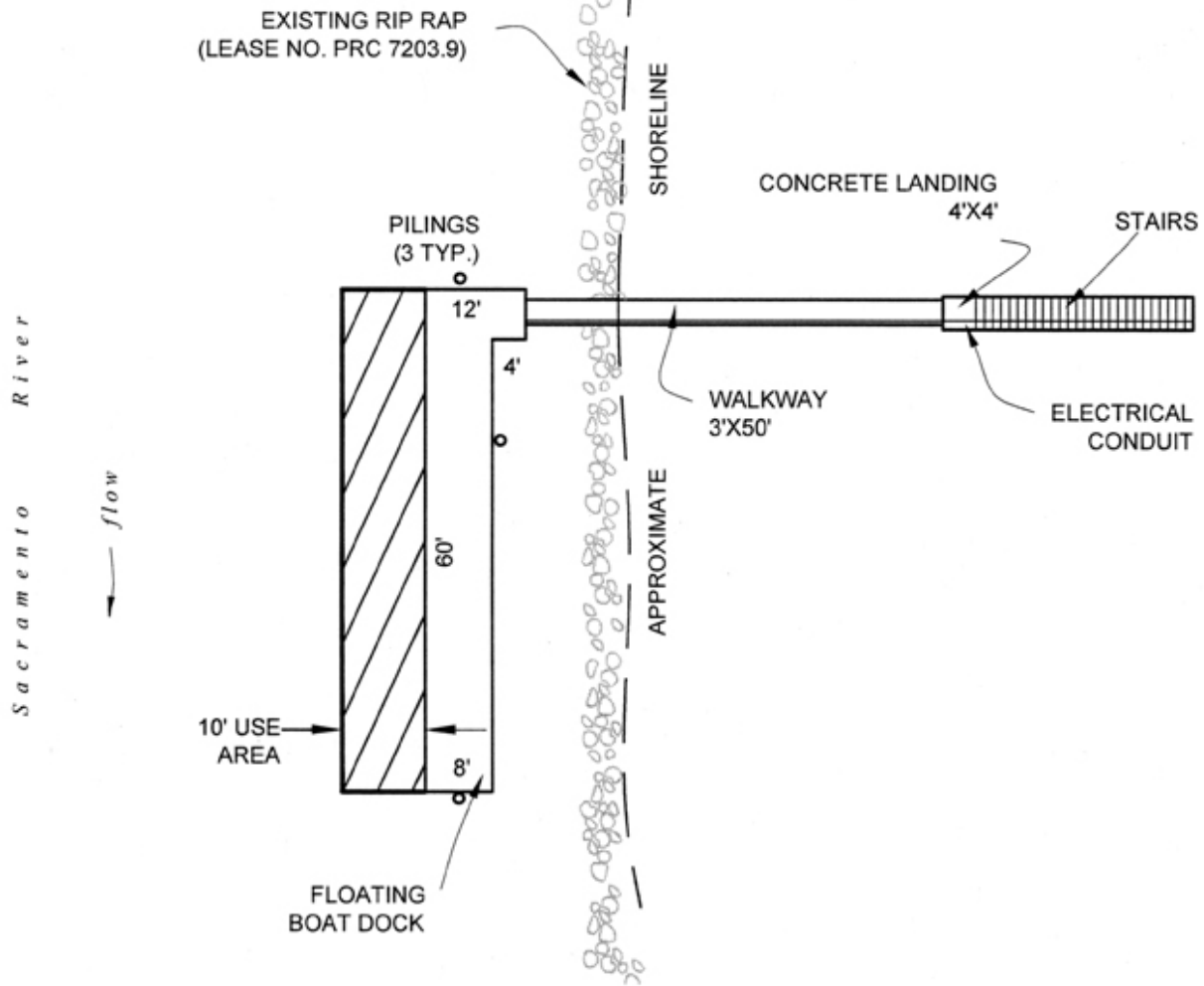
LAND DESCRIPTION PLAT
W 26219, RESOR
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

SITE

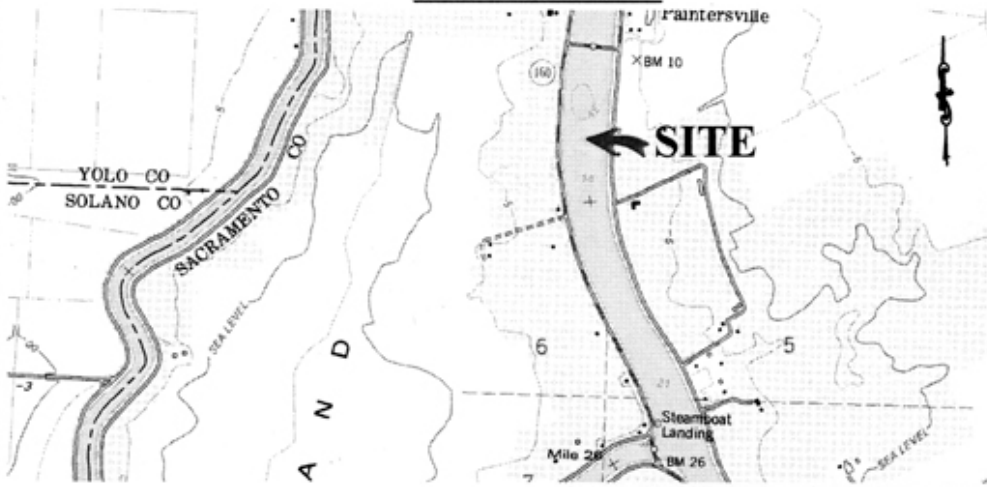


APN 146-0010-027

12163 RIVER ROAD, NEAR COURTLAND

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

W 26219
 RESOR
 APN 146-0010-027
 GENERAL LEASE -
 RECREATIONAL USE
 SACRAMENTO COUNTY



MJJ 06/26/12

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.