

**CALENDAR ITEM
C13**

A 8
S 4

02/22/13
PRC 5597.9
R. Boggiano

GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE

APPLICANTS:

Raymond L. DeGennaro and Margaret E. DeGennaro, Trustees of the DeGennaro Family Trust Dated August 20, 1991

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to 17376 Grand Island Road, near the city of Isleton, Sacramento County.

AUTHORIZED USE:

Continued use and maintenance of an existing fishing pier, ramp, and uncovered floating boat dock with two metal brace attachments attached to deadmen on the upland previously authorized by the Commission; and bank protection not previously authorized by the Commission.

LEASE TERM:

10 years, beginning February 22, 2013.

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. The Applicants own the upland adjoining the lease premises.
2. On December 16, 1998, the Commission authorized a Recreational Pier Lease to Don Jorge Castillo and Vada Trudy Castillo. That lease expired on November 26, 2008. On July 29, 2008, ownership of the upland transferred to Raymond L. DeGennaro and Margaret E. DeGennaro, Trustees of the DeGennaro Family Trust Dated August 20, 1991. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use.

CALENDAR ITEM NO. **C13** (CONT'D)

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.

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.

4. Prior to the Applicants taking ownership of the property, the fishing pier was expanded and an uncovered floating boat dock was constructed without prior authorization by the Commission. The necessary permits were not obtained prior to making these modifications. Since then, the Applicants have obtained an after-the-fact permit from the United States Army Corps of Engineers and are in the process of obtaining an after-the-fact permit from the Central Valley Flood Protection Board.
5. The bank protection will mutually benefit both the public and the Applicants. The bank of the Sacramento River will have additional protection from wave action provided at no cost to the public.
6. The staff recommends that the Commission find that this activity is exempt from the requirements of the California Environmental Quality Act (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).

CALENDAR ITEM NO. **C13** (CONT'D)

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

7. 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.

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 Raymond L. DeGennaro and Margaret E. DeGennaro, Trustees of the DeGennaro Family Trust Dated August 20, 1991, beginning February 22, 2013, for a term of 10 years, for the use and maintenance of an existing fishing pier, ramp, and uncovered floating boat dock with two metal brace attachments attached to deadmen on the upland previously authorized by the Commission; and 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; no monetary consideration pursuant to

CALENDAR ITEM NO. **C13** (CONT'D)

Public Resources Code section 6503.5; and liability insurance in the amount of no less than \$1,000,000.

EXHIBIT A

PRC 5597.9

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River lying adjacent to Swamp and Overflow Survey 957 patented October 4, 1871, Sacramento County, State of California, more particularly described as follows:

PARCEL 1 – DOCK

All those lands underlying a pier, ramp, uncovered floating boat dock, and braces lying adjacent to that Parcel as described in Exhibit "A" of that Grant Deed recorded July 29, 2008, in Book 20080729, Page 0624 of Official Records of said County.

TOGETHER WITH a 10 foot impact area.

ALSO TOGETHER WITH that land lying immediately beneath any bank protection structure adjacent to said parcel.

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

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared November 27, 2012 by the California State Lands Commission Boundary Unit.



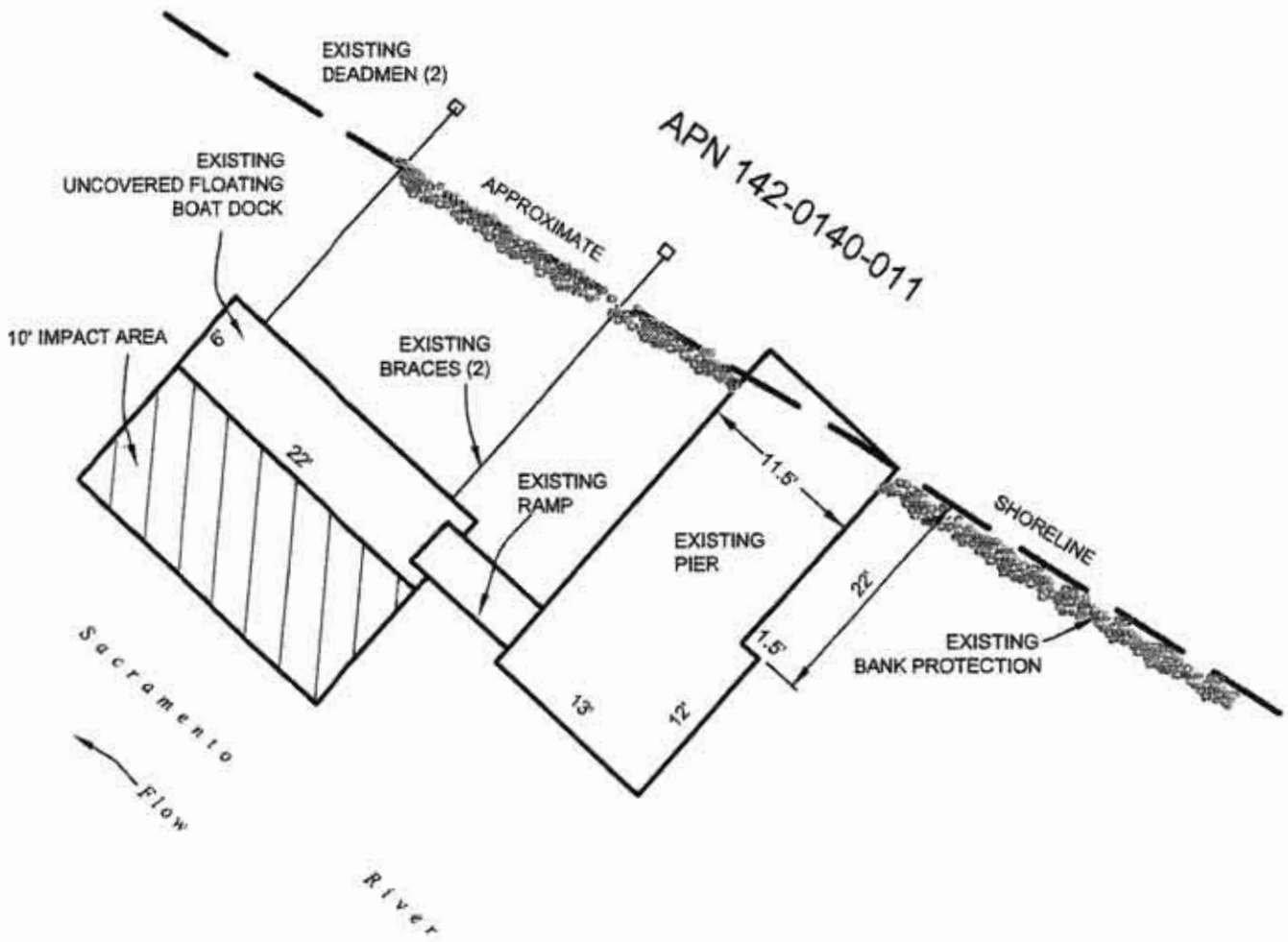


EXHIBIT A

Page 2 of 2

MJJ 11/27/12

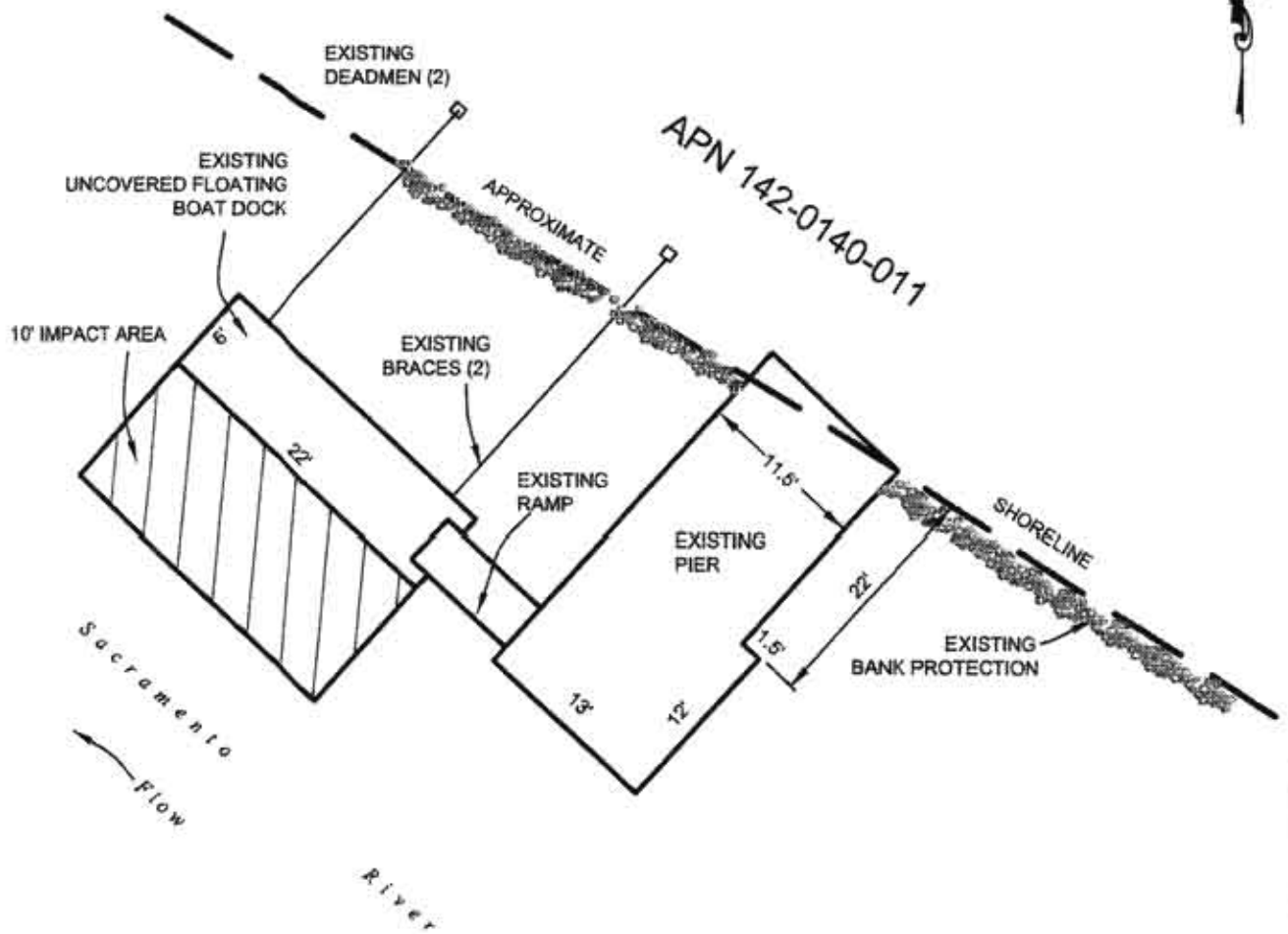
LAND DESCRIPTION PLAT
PRC 5597.9, DEGENNARO
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION



NO SCALE

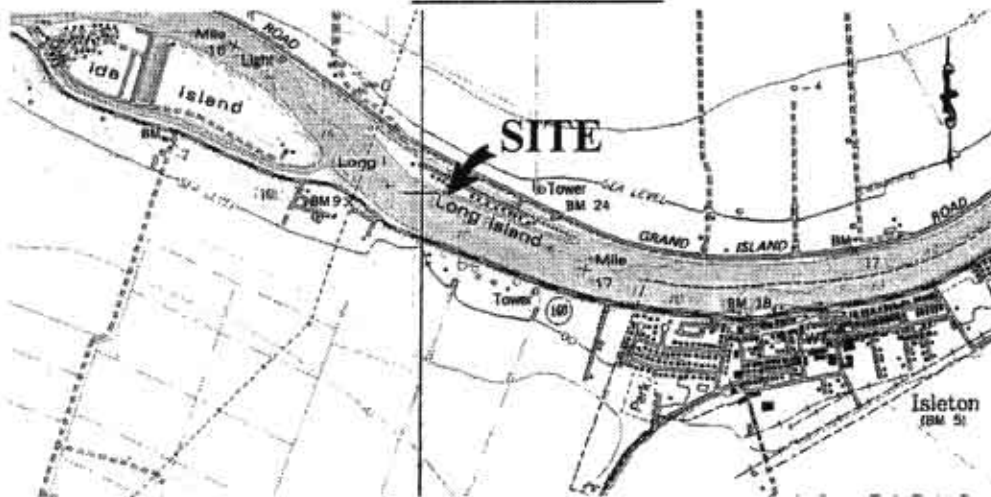
SITE



17376 GRAND ISLAND ROAD, LONG ISLAND, NEAR ISLETON

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

Exhibit B

PRC 5597.9
 DEGENNARO
 APN 142-0140-011
 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.