

**CALENDAR ITEM  
C33**

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02/22/13

PRC 6108.1

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N. Lavoie

**ACCEPTANCE OF A LEASE QUITCLAIM DEED AND ISSUANCE OF A  
GENERAL LEASE - COMMERCIAL USE**

**LESSEES/APPLICANTS:**

Robert P. Vallier and Mable R. Vallier Trustees of The Vallier Living Trust Dated July 10, 1996

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

Filled and unfilled sovereign land in Mayberry Slough, near the city of Rio Vista, Sacramento County.

**AUTHORIZED USE:**

Continued use and maintenance of a commercial marina, including a breakwater structure, known as Sherman Lake Marina, with a roadway and parking area on filled sovereign land previously authorized by the Commission; and use and maintenance of a recreational vehicle camping area on filled sovereign land not previously authorized by the Commission.

**LEASE TERM:**

20 years, beginning February 22, 2013.

**CONSIDERATION:**

\$2,882 per year, adjusted annually by the California Consumer Price Index, and with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease.

**SPECIFIC LEASE PROVISIONS:**

**Insurance:**

Liability insurance with coverage of no less than \$1,000,000.

**Surety:**

Surety bond or other security in the amount of \$20,000.

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**Other:**

The lease contains provisions that: The Lessee must implement the Commission's "Best Management Practices for Marina Owners/Operators" and encourage implementation of the Commission's "Best Management Practices for Berth Holders and Boaters", including additional Best Management Practices (BMPs) the Commission subsequently deems appropriate for either of the above categories. The Lessee shall provide the Commission, on the first anniversary of the lease and on every third anniversary thereafter, a report on compliance with all BMPs.

**OTHER PERTINENT INFORMATION:**

1. Applicants own the upland adjoining the lease premises.
2. On October 17, 1995, the Commission authorized a 25-year General Lease – Commercial Use to Allan and Peggy Martin for an existing 42-berth commercial marina. On December 16, 1998, the Commission authorized the assignment of the lease to River Island Land Company. On June 28, 2007, the Commission authorized the assignment of the lease to Robert P. Vallier and Mable R. Vallier, Trustees of the Vallier Living Trust, dated July 10, 1996, and the amendment of the lease to remove facilities no longer on the lease premises from the authorized improvements and to include the Commission's Best Management Practices. The lease will expire on March 31, 2020.
3. The lease premises include filled and unfilled sovereign lands in Mayberry Slough. The filled area is a land bridge used as a levee road with recreational vehicle (RV) camp sites adjacent to the roadway. This filled area, which includes a culvert to allow for passage of water under the fill, has created a small shallow lake known as Sherman Lake behind the bridge within the slough bed between the Sacramento River and San Joaquin River beds. The commercial marina facilities, known as Sherman Lake Marina, are used by RV campers, fishermen, and wind and kite surfers. The windy summer months see the most wind and kite surfers who utilize Sherman Lake. Fishermen are more active at this location during the winter months when the wind is calmer.
4. The RV camping sites have been in place for many years, but were not previously authorized by the Commission. All of the sites include water and electrical hookups and nine of the spaces also have sewer hookups. The sewer hookups and the associated septic tank and leach lines were

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installed in 2010. Commission staff recommends bringing these existing uses under lease.

5. The marina and camping area is vulnerable to theft and property destruction and has experienced vandalism, accidents, fires, and other problems, requiring immediate action for the overall safety and security of the facility and the public. These factors support a limited and controlled presence of one or more recreational vehicles to be occupied on a 24-hour basis for security purposes. Taking into account the size and design of the facility, staff is recommending that no more than one recreational vehicle be used for security purposes. This vehicle will be located in a strategically designated site subject to the approval of Commission staff. The security vehicle will be required to leave the facility at least once for a minimum of six hours in each 90-day period and the Applicants are required to submit an annual log to Commission staff.
6. The filled sovereign lands at this location are also leased to Reclamation District 341, as part of their levee system protecting Sherman Island under PRC 1872.9. The Applicants' use of the filled area is not inconsistent with the Reclamation District's use, and the Applicants have permission from the Reclamation District for their use of the roadway and levee fill.
7. The Lessees have agreed to terminate the existing lease by executing a quitclaim deed and the new lease will bring the lease into conformance with current Commission practices. Staff is recommending acceptance of the quitclaim deed which will terminate the existing lease and recommending issuance of a new lease.
8. **Acceptance of a Quitclaim Deed:** The staff recommends that the Commission find that the subject acceptance of a quitclaim deed does not have a potential for resulting in either a direct or a reasonably foreseeable indirect physical change in the environment, and is, therefore, not a project in accordance with the California Environmental Quality Act (CEQA).

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, sections 15060, subdivision (c)(3), and 15378.

9. **New Lease:** The staff recommends that the Commission find that this activity is exempt from the requirements of CEQA as a categorically

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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.

10. 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:**

**Acceptance of a Quitclaim Deed:** Find that the subject acceptance of a quitclaim deed is not subject to the requirements of CEQA pursuant to California Code of Regulations, Title 14, section 15060, subdivision (c)(3), because the subject activity is not a project as defined by Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378.

**New Lease:** 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.

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**AUTHORIZATION:**

1. Authorize acceptance of a quitclaim deed of Lease No. PRC 6108.1, a General Lease – Commercial Use, issued to Robert P. Vallier and Mable R. Vallier Trustees of The Vallier Living Trust Dated July 10, 1996, with a beginning date of April 1, 1995.
  
2. Authorize issuance of a General Lease – Commercial Use to Robert P. Vallier and Mable R. Vallier Trustees of The Vallier Living Trust Dated July 10, 1996 beginning February 22, 2013, for a term of 20 years, for a commercial marina, including a breakwater structure, known as Sherman Lake Marina, with a parking area on filled sovereign land previously authorized by the Commission, and use and maintenance of a recreational vehicle camping area on filled sovereign land 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; annual rent in the amount of \$2,882, adjusted annually by the California Consumer Price Index, with the State reserving the right to fix a different rent periodically during the lease term as provided in the lease; liability insurance with coverage of no less than \$1,000,000; and surety bond in the amount of \$20,000.

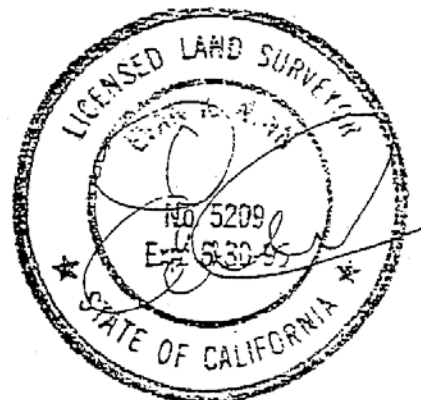
EXHIBIT A

PRC 6108.1

LAND DESCRIPTION

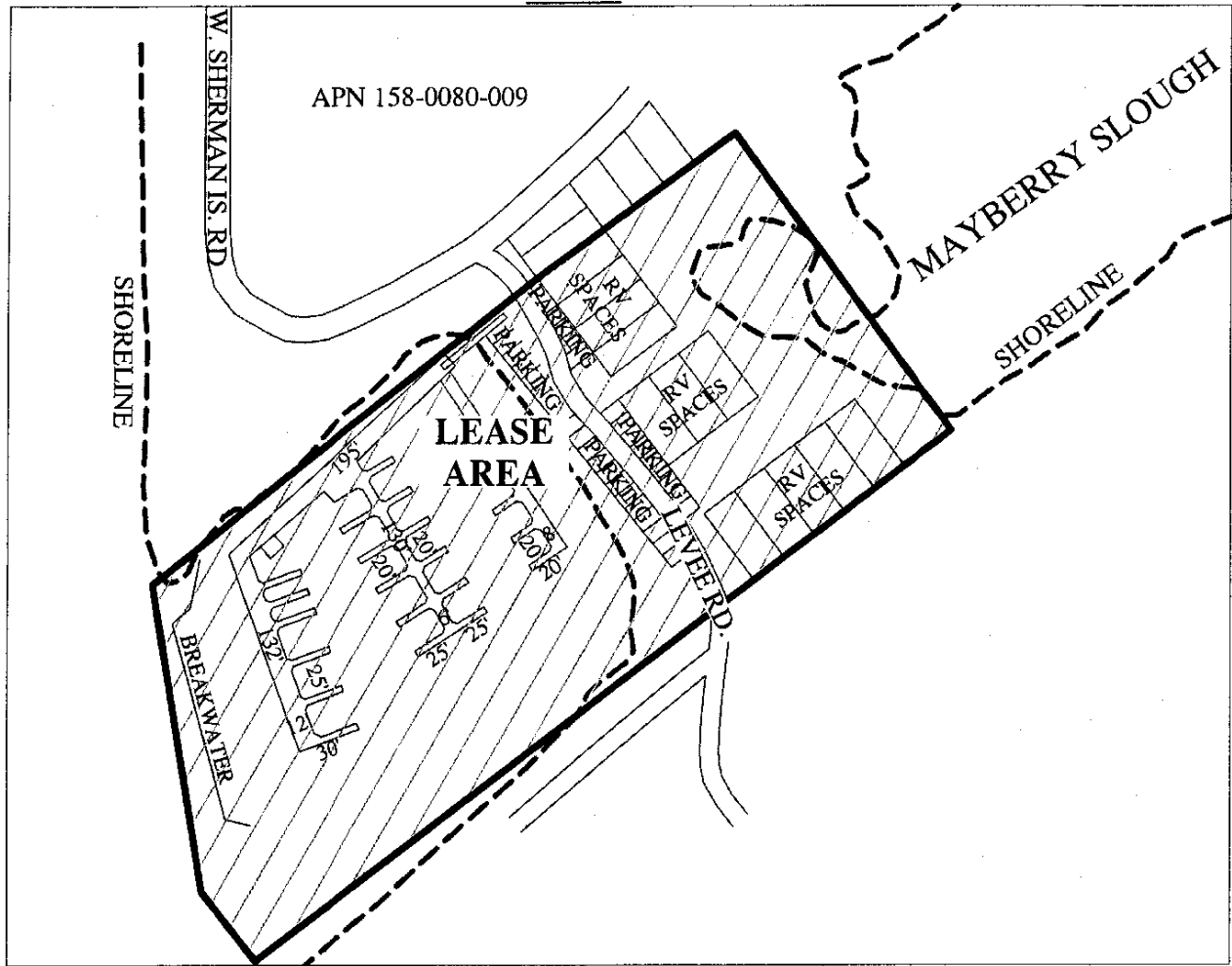
THAT PORTION OF THE NORTHWEST 1/4 SECTION 5 AND THE SOUTHWEST 1/4 SECTION 6 TOWNSHIP 2 NORTH AND RANGE 2 EAST, M.D.B. & M., MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT FROM WHICH THE NORTHEAST CORNER OF SWAMP LAND SURVEY NO. 537, LOCATED IN SECTION 5, T.2 N., R.2 E. M.D.B. & M. BEARS NORTH 00° 53' 29" WEST 3427.50 FEET, NORTH 50° 01' 31" EAST 98.40 FEET, NORTH 55° 24' 31" EAST 255.60 FEET, NORTH 60° 02' 31" EAST 377.60 FEET, NORTH 60° 49' 31" EAST 414.00 FEET, NORTH 61° 13' 31" EAST 303.00 FEET, NORTH 64° 33' 31" EAST 588.40 FEET, THENCE NORTH 61° 53' 31" EAST, 935.00 FEET; SAID POINT OF BEGINNING ALSO BEING ON THE NORTH BANK OF MAYBERRY SLOUGH; THENCE FROM SAID POINT OF BEGINNING ALONG THE NORTH BANK OF MAYBERRY SLOUGH NORTH 51° 34' 31" EAST 145.29 FEET AND NORTH 53° 54' 31" EAST 164.90 FEET; THENCE LEAVING NORTH BANK OF SAID SLOUGH SOUTH 36° 05' 29" EAST 244.00 FEET; THENCE SOUTH 52° 49' 05" WEST 580.19 FEET; THENCE NORTH 38° 25' 29" WEST 58.71 FEET; THENCE NORTH 9° 16' 49" WEST 205.20 FEET TO THE NORTH BANK OF SAID SLOUGH; THENCE NORTH 51° 34' 31" EAST 180.00 FEET ALONG THE NORTH BANK OF SAID SLOUGH TO THE POINT OF BEGINNING, CONTAINING 3.063 ACRES.



NO SCALE

### SITE



5140 W. SHERMAN ISLAND ROAD  
 MAYBERRY SLOUGH, SACRAMENTO COUNTY

NO SCALE

### LOCATION



MAP SOURCE: USGS QUAD

### Exhibit B

PRC 6108.1  
 SHERMAN LAKE MARINA  
 APN 158-0080-009  
 GENERAL LEASE -  
 COMMERCIAL 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.