

**CALENDAR ITEM  
C36**

A 11

02/22/13

PRC 4762.1

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N. Lavoie

**TERMINATION OF A RECREATIONAL PIER LEASE AND ISSUANCE OF A  
GENERAL LEASE – RECREATIONAL AND PROTECTIVE STRUCTURE USE**

**LESSEE:**

Jane Triest Burrows, sole trustee of The Summer and Jane Burrows Community Property Trust, Dated November 7, 1989

**APPLICANTS:**

Peder E. Jones and Nancy B. Jones, Trustees of the Peder and Nancy Jones Living Trust u/d March 25, 2009

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

Sovereign land in the Sacramento River, adjacent to 17436 Grand Island Road, near Isleton, Sacramento County.

**AUTHORIZED USE:**

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

**LEASE TERM:**

10 years, beginning February 22, 2013.

**CONSIDERATION:**

\$71 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 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 10-year Recreational Pier Lease to Jane Triest Burrows, sole trustee of The Summer and Jane Burrows Community Property Trust, Dated November 7, 1989. That lease will expire on May 29, 2013. On April 22, 2009, the upland was deeded to Peder E. Jones and Nancy B. Jones, Trustees of the Peder and Nancy Jones Living Trust u/d March 25, 2009. The Applicants are now applying for a new General Lease – Recreational and Protective Structure Use. Staff recommends terminating the lease with the Lessee and issuance of a new lease to the Applicants.
3. The bank protection has existed for many years but was not previously authorized by the Commission. Staff recommends incorporating the bank protection into the lease. 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 little cost to the public.
4. **Lease Termination:** The staff recommends that the Commission find that the subject lease termination 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.

5. **Issuance of Lease:** The staff recommends that the Commission find 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 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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**EXHIBITS:**

- A. Land Description
- B. Site and Location Map

**RECOMMENDED ACTION:**

It is recommended that the Commission:

**CEQA FINDING:**

**Lease Termination:** Find that the subject lease termination 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.

**Issuance of 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.

**AUTHORIZATION:**

1. Authorize termination effective February 21, 2013, of Lease No. PRC 4762.9, a Recreational Pier Lease, issued to Jane Triest Burrows, sole trustee of The Summer and Jane Burrows Community Property Trust, Dated November 7, 1989.
2. Authorize issuance of a General Lease – Recreational and Protective Structure Use to Peder E. Jones and Nancy B. Jones, Trustees of the Peder and Nancy Jones Living Trust u/d March 25, 2009, beginning February 22, 2013, for a term of 10 years, for the continued use and maintenance of an existing uncovered floating boat dock, two pilings, and gangway previously authorized by the Commission, and 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; annual rent in

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the amount of \$71 per year, with the State reserving the right to fix a different rent periodically during the lease term, as provided in the lease; liability insurance in the amount of no less than \$1,000,000.

**EXHIBIT A**

**PRC 4762.1**

**LAND DESCRIPTION**

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

All those lands underlying an existing floating boat dock, gangway and two pilings lying adjacent to that parcel, as described in Grant Deed, recorded April 22, 2009 in Book 20090422 at Page 0011 in Official Records of said County.

TOGETHER WITH a 10 foot impact area.

ALSO TOGETHER WITH all those lands underlying any existing bank protection.

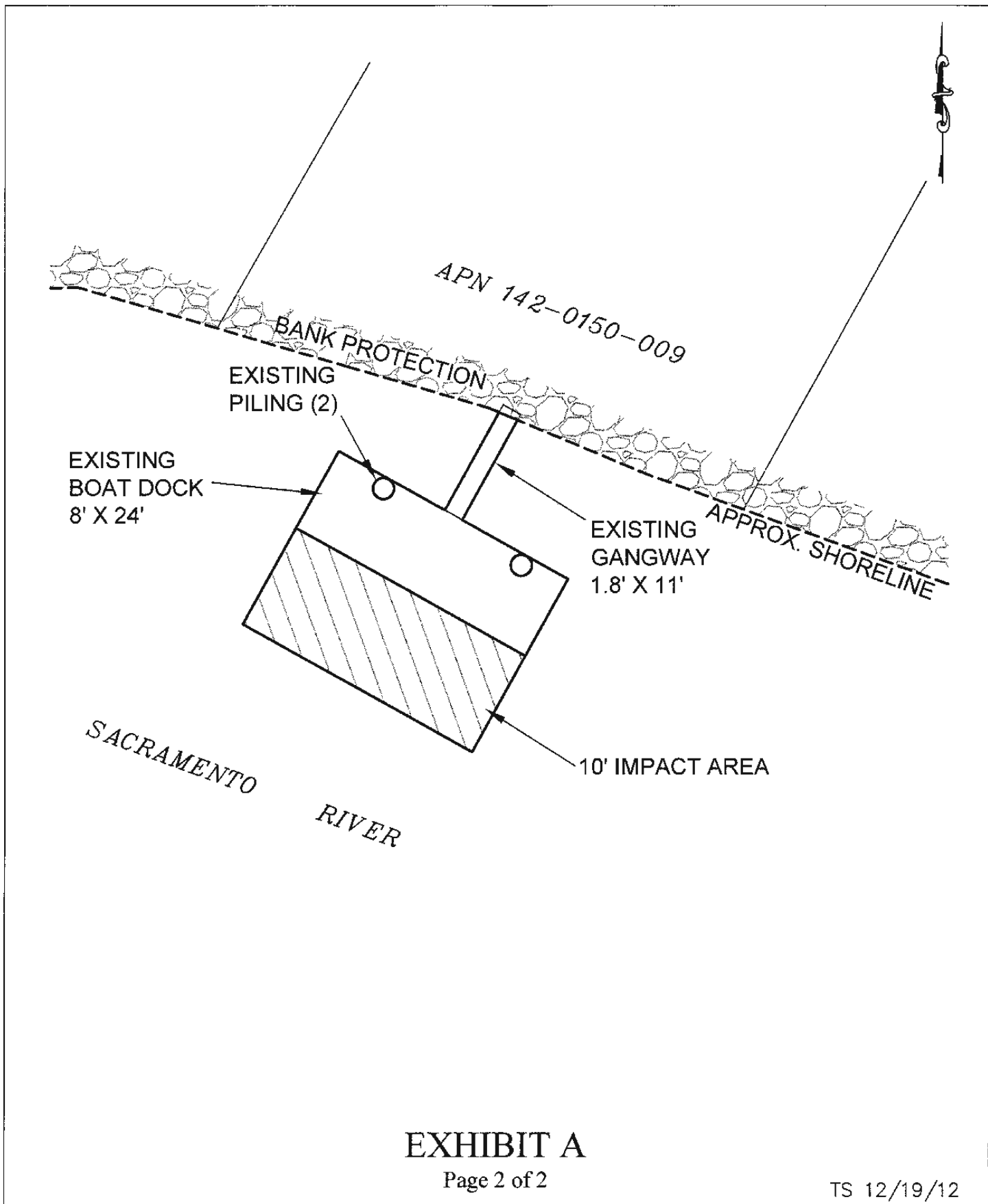
EXCEPTING THEREFROM any portion lying landward of the MHTL of the right bank of said river as per Sacramento Superior Court Case No. 78345 and shown on "Record of Survey of Compromise Title Settlement Agreement, Boundary Line Agreement No. 241 at Long Island, Vicinity of Isleton in Projected Section 27, T4N, R3E, MDM" and filed in Book 38 of Surveys at page 40 Records of said County.

Accompanying plat is hereby made part of this description.

**END OF DESCRIPTION**

Prepared 12/19/12 by the California State Lands Commission Boundary Unit

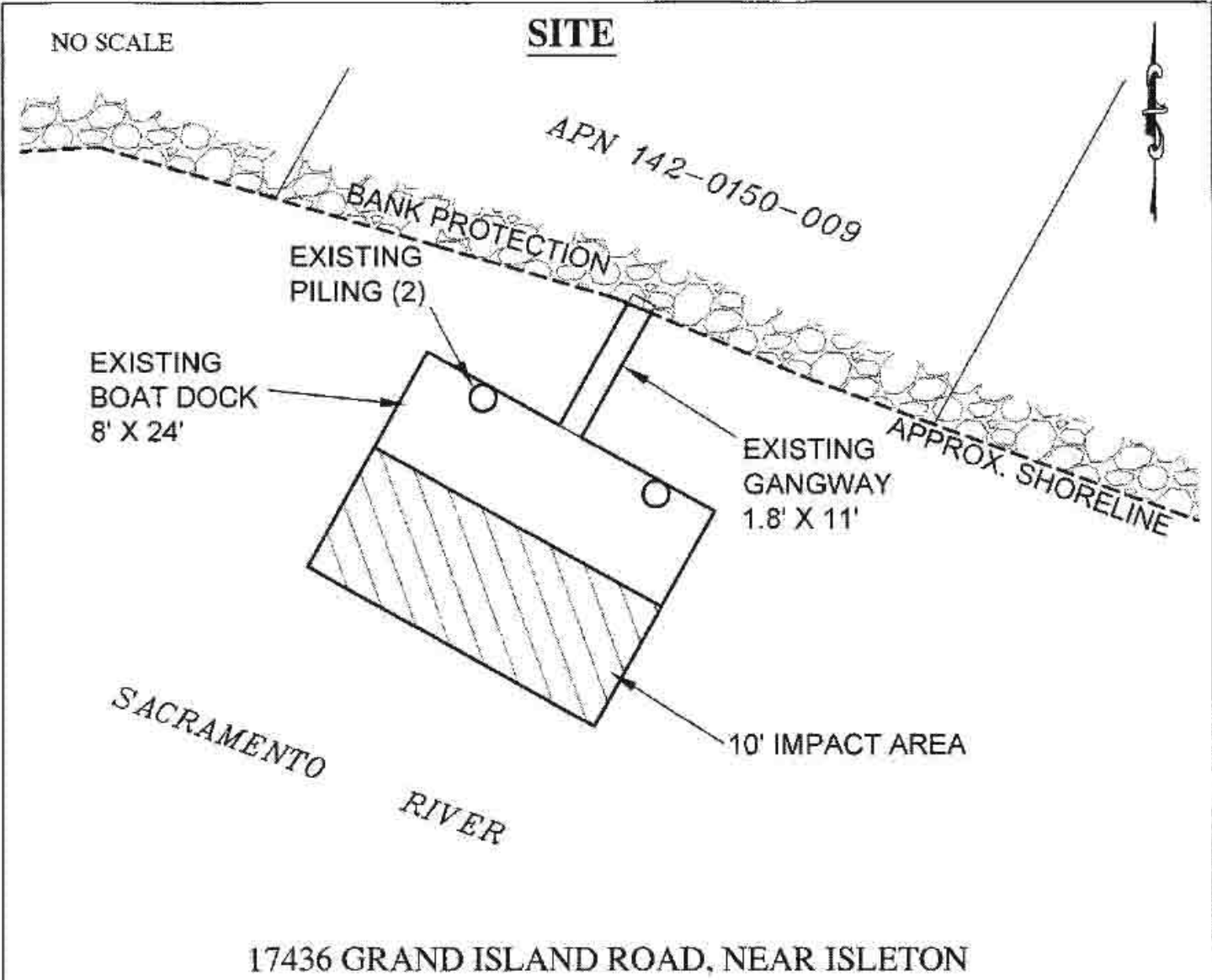




LAND DESCRIPTION PLAT  
 PRC 4762.1, JONES LIVING TRUST  
 SACRAMENTO COUNTY

CALIFORNIA STATE  
 LANDS COMMISSION





17436 GRAND ISLAND ROAD, NEAR ISLETON



MAP SOURCE: USGS QUAD

**Exhibit B**

PRC 4762.1  
 JONES LIVING TRUST  
 APN 142-0150-009  
 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.