

**CALENDAR ITEM
C31**

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09/20/13

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PRC 6351.1

N. Lavoie

GENERAL LEASE – RECREATIONAL USE

APPLICANTS:

John R. Garamendi and Patricia W. Garamendi, Trustees of The Garamendi Living Trust, Dated July 23, 1989

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in the Sacramento River, adjacent to Sacramento County Assessor's Parcel Number (APN) 142-0230-008, near the city of Walnut Grove, Sacramento County.

AUTHORIZED USE:

Reconstruction, use, and maintenance of an uncovered floating boat dock, ramp, and two pilings.

LEASE TERM:

10 years, beginning November 28, 2012.

CONSIDERATION:

\$61 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 per occurrence.

OTHER PERTINENT INFORMATION:

1. Applicants own the upland adjoining the lease premises.
2. On October 1, 2002, the Commission authorized a 10-year Recreational Pier Lease to John R. Garamendi and Patricia W. Garamendi, as Trustees of The Garamendi Living Trust, dated July 23, 1989. That lease expired on November 27, 2012. The Applicants are now applying for a new General Lease – Recreational Use.

CALENDAR ITEM NO. **C31** (CONT'D)

3. The previously authorized facilities have fallen into a state of disrepair. The Applicants have entered into an agreement with a licensed contractor to reconstruct the facility as it previously existed, shown on Exhibit A.
4. 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 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

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.

APPROVALS REQUIRED:

U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, California Department of Fish and Wildlife, California Regional Water Quality Control Board, and Central Valley Flood Protection Board.

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 2, Replacement or Reconstruction; California Code of Regulations, Title 2, section 2905, subdivision (b).

CALENDAR ITEM NO. **C31** (CONT'D)

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 John R. Garamendi and Patricia W. Garamendi, Trustees of The Garamendi Living Trust, Dated July 23, 1989, beginning November 28, 2012, for a term of 10 years, for the reconstruction, use, and maintenance of an uncovered floating boat dock, ramp, and two 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 \$61 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 an amount no less than \$1,000,000 per occurrence.

EXHIBIT A

PRC 6351.1

LAND DESCRIPTION

A parcel of tide and submerged land situate in the bed of the Sacramento River, lying adjacent to Lots 2 & 3 of fractional Section 34, Township 5 North, Range 4 East, M.D.B.&M., 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, ramp and two steel pilings lying adjacent to that parcel described in Grant Deed, recorded April 1, 2005 in Book 20050401 at Page 0356 in Official Records of said County.

TOGETHER WITH a 10' impact area.

EXCEPTING THEREFROM any portion lying landward of the ordinary high water mark of the right bank of said river.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

This description is based on Applicant provided site plan by West Coast Docks, Inc., dated March 1, 2012 for a proposed floating 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.

Prepared 07/11/13 by the California State Lands Commission Boundary Unit





APN 142-0230-007

APN 142-0230-008

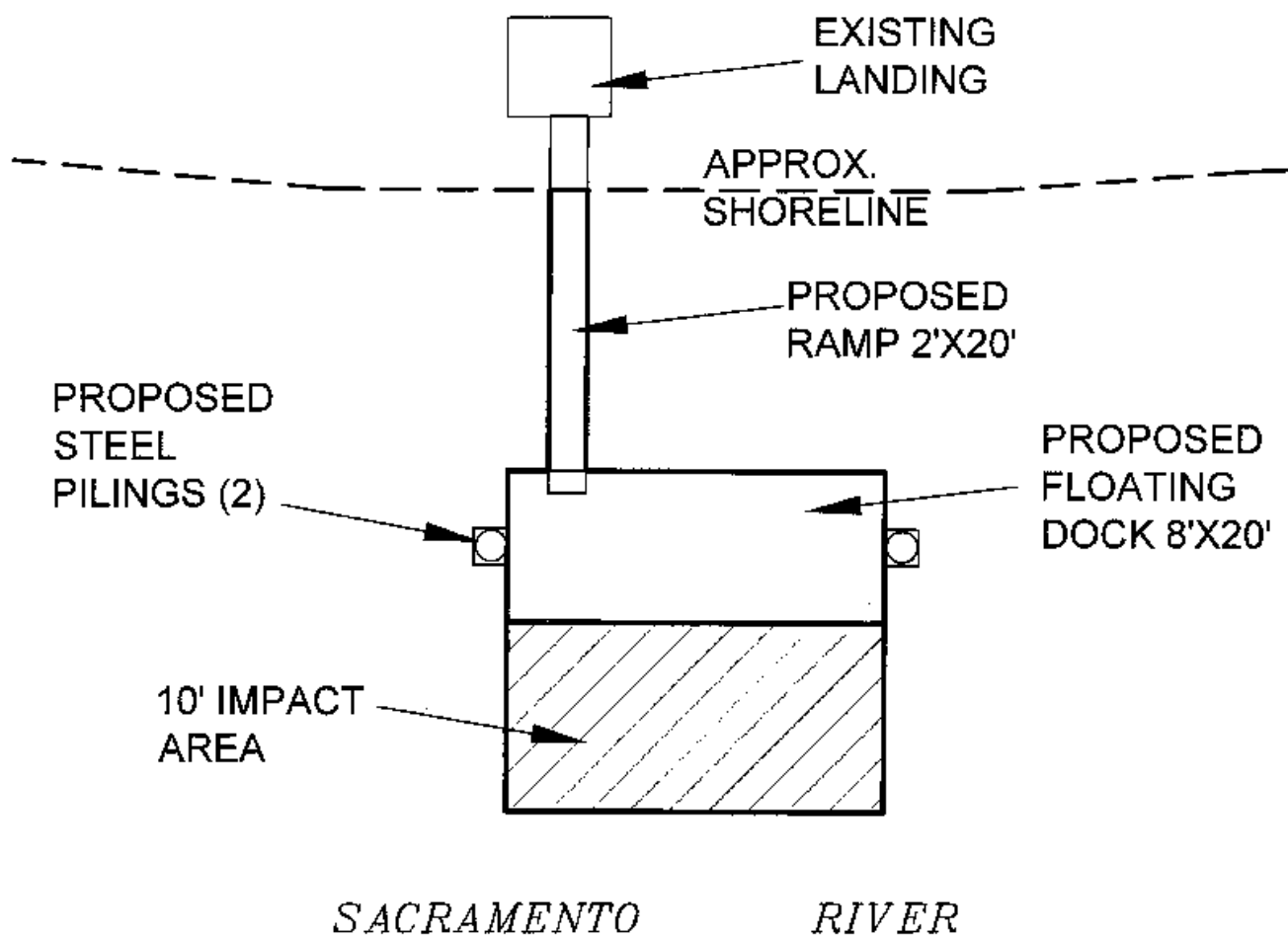


EXHIBIT A

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LAND DESCRIPTION PLAT
PRC 6351.1, THE GARAMENDI
LIVING TRUST
SACRAMENTO COUNTY

CALIFORNIA STATE
LANDS COMMISSION

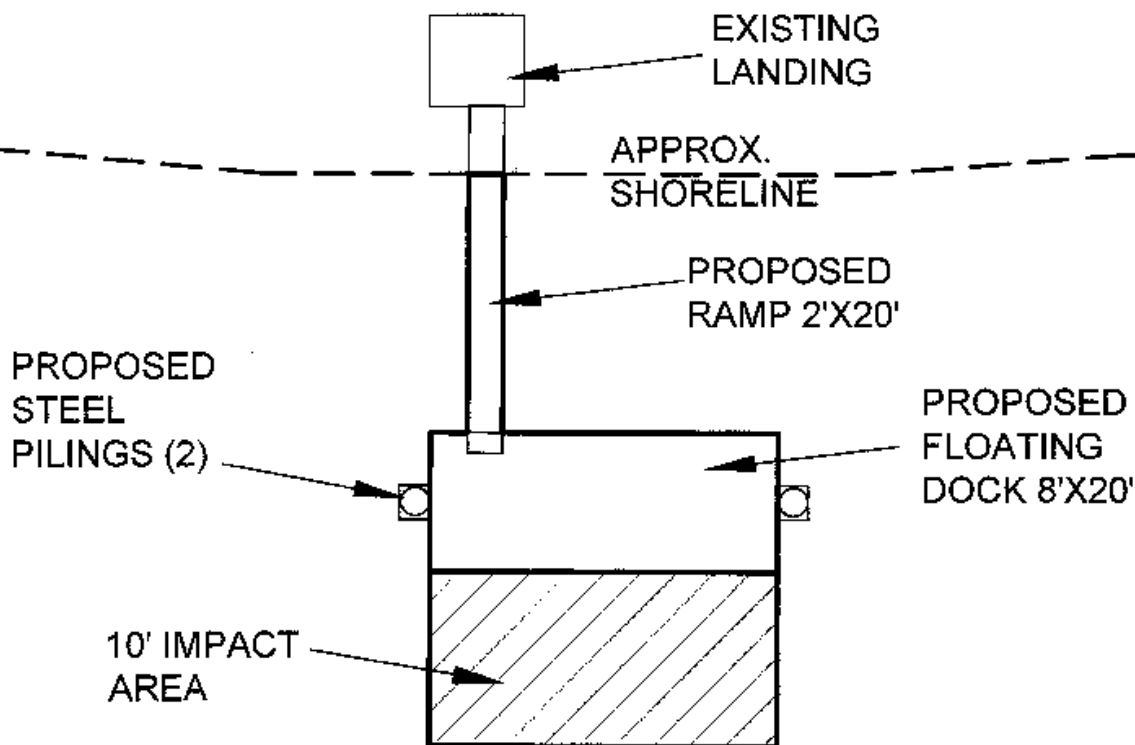


NO SCALE

SITE

APN 142-0230-007

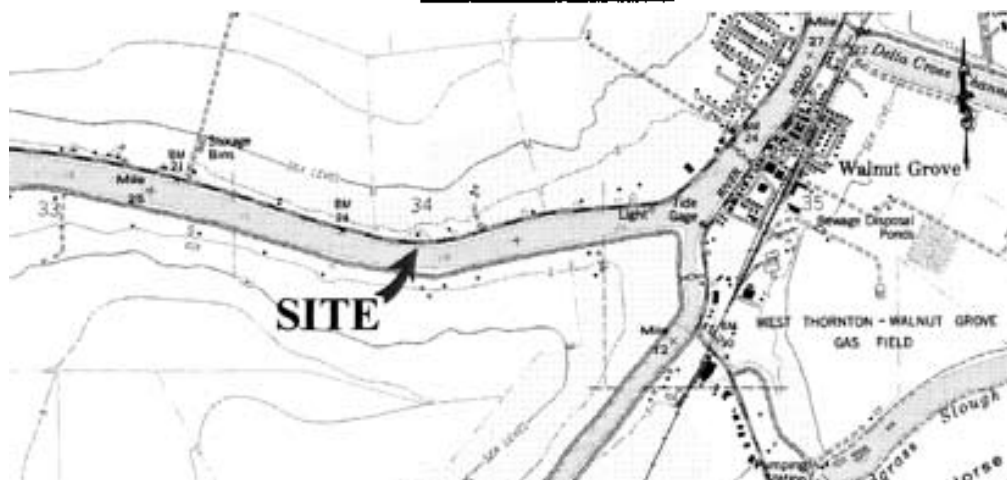
APN 142-0230-008



SACRAMENTO RIVER

NO SCALE

LOCATION



MAP SOURCE: USGS QUAD

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.

Exhibit B

PRC 6351.1

THE GARAMENDI LIVING TRUST

APN 142-0230-008, -007

GENERAL LEASE -
RECREATIONAL USE
SACRAMENTO COUNTY



TS 07/11/13